SENATE—*Monday, October 3, 1994*

(Legislative day of Monday, September 12, 1994)

The Senate met at 5 p.m., on the expiration of the recess, and was called to order by the Honorable BEN NIGHTHORSE CAMPBELL, a Senator from the State of Colorado.

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray:

For there is no power but of God: the powers that be are ordained of God.

Eternal God, Lord of history, Ruler of all nature, sovereign Governor of the nations, help us contemplate the words of Abraham Lincoln, written in a private meditation, September 30, 1862:

"The will of God prevails. In great contests each party claims to act in accordance with the will of God. Both may be, and one must be, wrong. God cannot be for and against the same thing at the same time. In the present civil war, it is quite possible that God's purpose is something different from the purpose of either party; and yet the human instrumentalities, working just as they do, are the best adaptation to effect His purpose."

Thou who ordainest all power, we are unspeakably grateful for Senators GEORGE MITCHELL and BOB DOLE. Thank You for their strength and inspiration in the leadership they give their parties, the Nation, and the world. Thank You for their fairness and patience, their calmness at times of tension, and their restraint in disagreement.

Thank You for Senators FORD and SIMPSON, their support to the leaders and their parties, and for their strong influence in the Senate and the Nation.

Gracious Father in Heaven, bless Thy servants and their families in all their ways, in all their future. May they live in the confidence of God's love and provision.

In His name who is the Giver of Life. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore [Mr. BYRD].

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, October 3, 1994.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable BEN NIGHTHORSE CAMPBELL, a Senator from the State of Colorado, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. CAMPBELL thereupon assumed the chair as Acting President pro tempore.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

ELEMENTARY AND SECONDARY EDUCATION AMENDMENTS OF 1994—CONFERENCE REPORT

The ACTING PRESIDENT pro tempore. The Senate will now resume consideration of the conference report accompanying H.R. 6, which the clerk will report.

The assistant legislative clerk read as follows:

Conference report accompanying H.R. 6, an act to extend for 6 years the authorizations of appropriations for the programs under the Elementary and Secondary Education Act of 1965, and for other purposes.

The Senate resumed consideration of the conference report.

The ACTING PRESIDENT pro tempore. The Chair recognizes the majority leader.

ORDER OF PROCEDURE

Mr. MITCHELL. Mr. President, the measure now before the Senate is the conference report on the Elementary and Secondary Education Act. It has passed both the Senate and House in its original form and then the conference agreement between the two bodies has been passed in the House. The measure is now back before the Senate for the final action necessary before it goes to the President for his signature to become law.

At a meeting I had with the distinguished Republican leader earlier today, I inquired of the Republican leader whether the Senate would be permitted to proceed to consideration of that matter and a vote on that matter or whether our Republican colleagues would filibuster so as to prevent a vote from occurring and so as to require the filing of a motion to invoke cloture and end the filibuster.

If that is to occur, I notified the distinguished Republican leader that my intention would be to file such a cloture motion today so that a vote on that motion, that is to say, a vote to end the filibuster, would occur under the Senate rules on Wednesday morning.

I was advised by the Republican leader that a response to my question would be made shortly after the Senate convened on that and one other matter, which I will take up for discussion after this.

I note the presence of the distinguished Senator from North Carolina in the Chamber, I assume acting on behalf of the distinguished Republican leader, and I therefore inquire through the Chair of the distinguished Senator from North Carolina whether it will be possible for us to proceed and have a vote on the Education Act or whether it will be necessary to file cloture as I have previously requested.

The ACTING PRESIDENT pro tempore. The Senator from North Carolina is recognized.

Mr. HELMS. Mr. President, it will be necessary for the Senator to file the cloture motion.

Mr. MITCHELL. Mr. President, I thank my colleague for his response. I regret the response very much. But I appreciate at least knowing the situation.

Mr. President, a similar conversation occurred between myself and the distinguished Republican leader at the same meeting on the bill S. 349, the Lobbying Disclosure Act and gift reform legislation.

As with respect to the education bill, this measure passed both the House and Senate in original form, then went to a conference of the two bodies. The conference reached agreement. That conference agreement has now been passed by the House and is to come before the Senate for final action prior to going to the President for his signature and enactment into law.

I inquired of the distinguished Republican leader at our meeting a short time ago whether our Republican colleagues would permit us to proceed to that measure and to vote on it or whether that, too, would be the subject of a Republican filibuster, which seeks to prevent the Senate from voting on the measure and which, therefore, would require us to file a motion to invoke cloture and end the filibuster.

I note the presence in the Chamber of the distinguished Senator from Georgia. I assume he is here acting on behalf of the Republican leader. Therefore, through the Chair, I inquire of the distinguished Senator from Georgia whether our Republican colleagues will permit us to proceed to vote on the Lobbying Disclosure and Gift Reform Act or whether there will be a filibuster, which will require us to file cloture?

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

The ACTING PRESIDENT pro tempore. The Senator from Georgia [Mr. COVERDELL], is recognized.

Mr. COVERDELL. My response to the majority leader is that from colleagues on our side of the aisle, in reference to the changes that were made in conference, it will be necessary for the majority leader to file the cloture motion.

The ACTING PRESIDENT pro tempore. The majority leader.

Mr. MITCHELL. Mr. President, I thank my colleague. I regret that answer as well, but I appreciate receiving it.

I just say to the Members of the Senate we now have pending a Republican filibuster on a nomination to head the Federal Deposit Insurance Corporation. We have pending a Republican filibuster on the nomination of a judge to serve on the U.S. Circuit Court of Appeals.

We now have pending before us a Republican filibuster on the California Desert Protection Act. We now have before us a Republican filibuster on the Education Act, and a Republican filibuster on the Lobbying Disclosure and Gift Reform Act.

I have been here 15 years, and I cannot recall a time when we have had five measures and five different matters, one nomination to an executive position, one nomination to a Federal court, one environmental measure like the Desert Protection Act, one education bill, and one Lobbying and Gift Reform Act, all of which are subject to filibusters at the same time. I regret these actions. But I will simply say to the Senator that we hope very much to complete this session of the Congress as soon as possible. But we are not going to leave until we get action on these measures. One way or the other the measures will have to be disposed of, whatever time it takes in that regard.

Mr. President, I yield the floor.

Mr. HELMS addressed the Chair.

The ACTING PRESIDENT pro tempore. The Chair recognizes the Senator from North Carolina, [Mr. HELMS].

Mr. HELMS. Mr. President, I listened with fascination and admiration to the comments of the Senator from Maine because he always attempts to put his side in the best light. He does not disclose the other side of what he is talking about. I have been here 22 years. He has been here less than that, and he is amazed by the number of filibusters.

What I am amazed about is the reckless way in which the conferees have destroyed the effect of bill after bill after bill that have passed the Senate. In the case of the Education Act, if the conferees to the Goals 2000 Act had not destroyed a Senate provision approved by an overwhelming vote with reference to school prayer I would not be here today.

But in House and Senate conferences conducted today, little slick deals are made to a degree I have never seen before in my 22 years in the Senate, and, of course, those of us unfairly victimized by those deals are going to object to them.

If the distinguished majority leader wants to rush this bill through, I will make a proposition to him. Let us put in the prayer amendment approved 75–22 by the Senate last February 3 and send it back to the conferees. And when they have done that, the bill can pass, I am sure. But I do not want to hear a whole lot about a filibuster on this and a filibuster on that because a lot of high jinks have gone on that have precipitated the filibusters, as he calls them. I call it extended debate, and that is one of the fundamental underpinnings of the U.S. Senate.

I yield the floor.

Mr. MITCHELL addressed the Chair.

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

Mr. MITCHELL. Mr. President, just so there can be no misunderstanding by any member of the American public, the Constitution requires any bill before becoming law to pass both the House and the Senate in identical form. It is a commonplace event. Indeed, it happens on almost every bill that the House and Senate pass a bill not in identical form. Some provisions in the Senate are included that are not in the House bill and vice versa.

So the mechanism which is set up to reconcile them and meet the requirements of the Constitution is to have a conference between the House and Senate in which the differences are resolved and a single bill is agreed upon.

I have been in the Senate 15 years, and for 6 of those years the Republicans were in control. It was a regular event then that a bill would pass the Senate, and then it went to conference and the conference report came back in a form different from the Senate bill. Indeed, common sense tells you that if both Houses insisted that a bill never be changed after once being adopted in that body, then no legislation would ever be enacted.

So my colleague used the phrase high jinks to suggest some impropriety or something underhanded about the fact that a conference report coming back to the Senate for final action is not identical to the bill which passed the Senate. But as he well knows, as we all well know, that happens with respect to almost every bill, and I daresay it happened on many, many bills which were passed when Republicans were in control of the Senate, and, if we check the record close enough, probably some bills that the Senator from North Carolina introduced.

Obviously, every Senator has a right to insist that his or her provision be included in the bill, and, if it is not, vote against the bill, speak against the bill, and do what is possible to defeat the bill. And the Senator from North Carolina is exercising that right.

But no one should be under the illusion or the misimpression that there is something unusual about that or different about that or underhanded about that. That is the common procedure. The two bodies pass bills, and almost always they are not identical. They go to a conference. Each side makes compromises. That is the only way you are ever going to get agreement. And the bill comes back from conference in a form usually different from that which passed either House, which is in the nature of a compromise.

So what we have here is an education bill. Some Senators. Do not like some provisions in it. They have a perfect right to oppose it. And if they want to filibuster, they have a perfect right to do that. That is what is happening. We have been told that this bill is not going to get to a vote in the Senate unless we can get 60 votes to end the filibuster, and we will find out on Wednesday morning whether or not there are 60 votes to end the filibuster.

But I just want to make it clear before we get to the other filibuster that is now pending before us that no one should think there is anything happening here that is unusual. A provision which one Senator wants and another Senator does not want may or may not be. That is the normal practice.

Mr. HELMS addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from North Carolina [Mr. HELMS].

Mr. HELMS. Nor should anyone be under the illusion that there is no high jinks going on. We will debate this thing fully in the hours and days to come. But I am sure the majority leader may remember that this prayer amendment dispute occurred early this year, and it culminated on March 25, just after midnight March 25, when the majority leader in collaboration and in coordination with the Senator from Massachusetts dropped a prayer amendment that had been overwhelmingly approved by the Senate, and which had also been overwhelmingly approved by the House. However, despite the 75–22 vote in the Senate and the 367–45 vote in the House, the conferees wrote entirely new language—not voted on by either body—and put it in the Goals 2000 conference report.

That is the argument, and I reject the majority leader's suggestion that I do not know anything about the rules and this is all commonplace and happens all the time. When I first came to the Senate, conferees did not ignore the will of overwhelming majorities in both Houses very often. It is now commonplace. I will say again that if the majority leader is willing to put the prayer amendment as adopted by the U.S. Senate back in, and send it back to the House, which has already voted for it overwhelmingly—not once, but

twice—he has a deal. But I do not want to be lectured by the majority leader in terms of what the Senate has done and what the Senate should do. Senators have a perfect right. But we have more than that. We have an obligation to stand up for what we think is the proper way to legislate.

Mr. MITCHELL addressed the Chair.

The ACTING PRESIDENT pro tempore. The majority leader.

Mr. MITCHELL. Mr. President, I do not think we need prolong this discussion any further. But I surely did not state or suggest that the Senator from North Carolina does not know anything about the rules. In fact, I believe just the opposite. He knows the rules very well, and has used them very skillfully to delay and obstruct legislation over a long period of time. [Laughter.]

Mr. HELMS. There he goes again.

Mr. MITCHELL. So I certainly do not believe that.

Finally, just so the record is clear and the fact is not omitted from this discussion, as the Senator in North Carolina knows, the provision that was passed in the House was not passed as part of this legislation as the Senator well knows.

One could infer from his comments—and I know, of course, he would not intend to say anything that would create that impression—that both parties acted on the same measure in the same legislation. My understanding is that that was not the case. It was acted on separately in the House and included as part of the legislation in the Senate, and the conferees agreed to something different. He has a right to filibuster, as he is doing. We will have the vote, and if 60 or more Senators think we ought to pass education, we will; if 41 or more think we ought not to pass it, then we will not.

Mr. HELMS. Mr. President, I am perfectly willing to let the majority leader have the last word, but we will have the last word Wednesday, one way or the other.

Mr. SIMON addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Illinois is recognized.

Mr. SIMON. Mr. President, If I can make a couple of comments in connection with the dialog. First, it should be pointed out that the prayer amendment offered by my friend from North Carolina—and he is my friend—was defeated in this body 53 to 47, so that there is no misunderstanding on that. That is what my staff advises me, and I see the Senator from North Carolina shaking his head.

Mr. HELMS. Will the Senator yield?

Mr. SIMON. I am pleased to yield.

Mr. HELMS. The House never approved the Kassebaum language, did they?

Mr. SIMON. To my knowledge, the House did not.

Mr. HELMS. That is correct. They did not, and that is the point.

Mr. SIMON. We are not in disagreement as to what has happened. Second, I say to my colleagues in the Senate that any right and privilege that is abused is eventually going to be lost. And we are, in my opinion, abusing the right of the filibuster.

The filibuster ought to be used rarely, in extreme cases, and then we ought to stand up and fight. I reserve the right to use that on some occasion. I have been here now since 1985, and I have never used it. But I reserve the right to use it. But real candidly, if we faced a vote right now that you only need 55 votes to stop debate instead of 60, I believe I would support it, because I have seen so much abuse of the filibuster.

The filibuster should be an occasional tool that is used to protect the public when sometimes, in a rush of judgment—this body and the other body moved to impose an answer on the railroad strike, like Harry Truman once wanted us to do, and Robert Taft, to his great credit, stood up and said you should not do this, and he started a filibuster. It should be rarely used.

I think we are headed, with overuse of the filibuster, of eventually losing this particular privilege in the U.S. Senate.

Mr. HELMS addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from North Carolina is recognized.

Mr. HELMS. Mr. President, let me reiterate that I was referring to the Senate-passed prayer language to the Goals 2000 Act when I made the remark I did, which Senator KENNEDY, the distinguished Senator from Massachusetts, arranged to have dropped prior to Easter. That is the reason we stayed in until midnight on the evening of March 25. That language was passed by the Senate by a 75-to-22 vote. The House passed a motion to instruct their conferees to the Goals 2000 bill to accept the Senate prayer amendment by a vote of 367 to 45. But Senator KENNEDY, with a wink and a nod, arranged to have it dropped in conference.

School prayer, I would remind the Chair, and anybody else who may be listening, is approved of by 75 to 80 percent of the American people, by every poll that I have seen. So I agree with my friend from Illinois that we ought to protect the interest of the people. That is precisely what I am doing here. School prayer should be a matter of law right now but for the act of one Senator, the Senator from Massachusetts.

Again, the Senate voted 75 to 22 for the amendment offered by the distinguished Senator from Mississippi [Mr. LOTT], and the Senator from North Carolina. The House vote on the motion to instruct the House conferees to accept the Helms-Lott language on the Goals 2000 bill was 367 to 45. The House then followed up by voting 345 to 64 to attach the same amendment to this bill. And the conferees on this bill dropped it again.

I do not want to hear any more about a minority tying up the Senate or the House. Speak to the conferees and speak to Senator KENNEDY, who is the one who obstructed a piece of legislation—not once, but twice—that ought to be in this bill. Had he not acted as he did, it would be in the bill and the bill would already be passed.

I yield the floor.

Mr. RIEGLE addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Michigan is recognized.

Mr. RIEGLE. Mr. President, we are facing a cloture vote at 6 o'clock tonight on the Tigert nomination to the FDIC. I rise now to put that issue before the Senate and make an opening statement. I know Senator MURRAY wishes to speak on our side, and I hope we can be recognized in an alternating manner once I have completed.

I know the Senator from Alabama needs a moment or two because he has had a former colleague pass away. So I will yield for the purpose of his statement, without losing my right to the floor.

Before I do that, I yield to the Senator from New York.

Mr. D'AMATO. Mr. President, if I might make a suggestion to the manager, if we could, after the completion of my good friend's statement, agree that we would divide equally the time between now and 6 o'clock and, therefore, have that vote at 6 o'clock. I ask unanimous consent that we agree to that format.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. RIEGLE. That sounds reasonable to me. I ask the floor staff to check with the majority leader to see if there is any reason that it is not acceptable. There has been no time used yet.

I do not object. I think it is a worthwhile suggestion. I ask that the clock start the minute the Senator from Alabama has had the chance to make his comment.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

TRIBUTE TO FORMER CONGRESSMAN CLAUDE HARRIS

Mr. HEFLIN. Mr. President, it is with great sadness and a tremendous sense of loss that I rise today to announce the untimely death of former Alabama Congressman Claude Harris. He died yesterday after a battle with lung cancer.

My State has lost one of its greatest public servants and I have lost a close and personal friend. Claude Harris was

a superb Congressman and an outstanding U.S. attorney. His service to Alabama as a circuit judge was extraordinary.

Claude was one of those rare individuals who at all times displayed the highest degree of integrity, industry, and intelligence. But perhaps his greatest attribute was the down-to-earth spirit that allowed him to always stay close to the people he served.

Although his tenure in Congress was relatively brief, Claude Harris emerged as one of the most hardworking and dedicated Members I have ever seen. He was a principled leader who always saw that the interests of his diverse district came first. He was highly driven to serve and had a sincere desire to serve, setting a new standard by which those who follow him are measured.

Claude Harris, Jr., was born in Bessemer, AL, attended the University of Alabama, and became assistant district attorney for Tuscaloosa County at the young age of 25. He later served as a circuit judge and was presiding judge of Alabama's Sixth Circuit for 1980–83. He was a practicing attorney from 1985 through 1987, when he began his first term in Congress. When he died, he was serving as the U.S. attorney for the Northern District of Alabama. He was also a colonel in the Alabama Army National Guard, of which he was an active member beginning in 1967.

Congressman Claude Harris retired in January 1993, after serving in the House of Representatives for 6 years. During his three terms, he accomplished a great deal for his district and the Nation's veterans, who knew Congressman Harris as a true friend. As an outspoken member of the House Veterans' Affairs Committee and the third ranking Democrat on its Hospitals and Health Care Subcommittee, his work was instrumental in preserving the funding and enhancing the quality of veterans' health care facilities nationwide. He also served on the House Energy and Commerce Committee.

Because of these years of outstanding public service, my colleague Senator SHELBY and I introduced a bill in August to have a new building at the Tuscaloosa Veterans Center in Claude's former district named in his honor. This will be a fitting tribute to a great man, leader, and friend who will be sorely missed by those of us fortunate enough to have known him. I extend my sincerest condolences to his wife and their entire family in the wake of this painful loss.

I ask unanimous consent that a copy of an article from the Birmingham Post-Herald on the death of Claude Harris be printed in the RECORD immediately following my remarks. This article describes the traits which made Claude the special kind of public servant that he was for so many years.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

CLAUDE HARRIS DIES AT AGE 54

(By Deborah Solomon)

It was January 1987 and a huge snowstorm had paralyzed Washington; offices in town were closed and the city had come to a standstill.

But Bessemer native Claude Harris, then a Democratic congressman from Tuscaloosa, fought his way to his Capitol Hill office and spent the day answering telephones and attending to duties usually performed by those who had been stranded by the weather.

It was this fierce commitment to his job that separated Harris from other politicians and branded him as unique, according to friends and colleagues who knew him.

Harris, a U.S. Attorney for the Northern District of Alabama, died early yesterday of lung cancer. He was 54.

After nearly three decades in government at the local, state and federal levels, the Tuscaloosa Democrat is remembered by those who knew him as a model politician, someone who cared not about his own interests, but about serving others.

"He never changed the type of person that he was," said Walter Braswell, who climbed up the political ladder alongside Harris. "As he achieved higher office and became more widely know, he remained the same friendly, genuine person he had always been."

Braswell, who is currently deputy U.S. attorney, will serve as interim U.S. attorney until a successor is named by President Clinton and U.S. Sens. Richard Shelby and Howell Heflin, both Alabama Democrats.

Harris, a former prosecutor and judge, died at his sister's home in Birmingham, where he had been receiving care for several weeks. He had undergone a series of treatments for cancer at University Hospital.

His funeral is scheduled for 2 p.m. Wednesday at Forest Lake Baptist Church in Tuscaloosa.

Harris was appointed U.S. attorney in Birmingham by President Clinton and confirmed by the Senate in late 1993.

Braswell said Harris was so committed to his job that he continued to work until he was finally too weak. "Last week he was in the office because he felt that he was getting paid to do a job and so long as he was physically able, he would continue to work."

Acquaintances said Harris was an honest and amiable man who never took his political accomplishments for granted.

Former U.S. Rep. Ben Erdreich, D-Birmingham, who met Harris shortly before he was elected to Congress, said in a time of increased cynicism among voters, Harris managed to reinstill faith in politics.

"Claude Harris exemplified what is good about America and what is right about America," Erdreich said. "He brought what I believe to be the best to public service. He was a unique person; there are not many I've seen of such good character."

NOMINATION OF RICKI RHODARMER TIGERT TO THE FDIC

Mr. RIEGLE. It looks to me as if we have about 32 minutes, 16 minutes apiece. I will start with my statement, and I assume we will rotate back and forth. It would be my intention to call on the Senator from Washington [Mrs. MURRAY] on our side.

I rise to strongly support the nomination and confirmation of Ricki Tigert to be Chairman of the Board of Directors of the Federal Deposit Insurance Corporation. The Banking Committee voted 17 to 1 in favor of her confirmation back on February 10 of this year. That is many months ago, and I think she deserves today that same overwhelming vote of support.

The Federal Deposit Insurance Corporation is one of the most important independent agencies in our Government. It is the primary Federal regulator for over 8,800 State-chartered banks, and it has been without a confirmed chairperson since the tragic death of Bill Taylor back in August of 1992. This kind of delay and stretching on year after year is really inexcusable, and the steps today that the Senate should take are to immediately confirm Ms. Tigert to this position.

The FDIC also has the responsibility for insuring the safety of more than $2.5 trillion of deposits in thrifts and banks, $2½ trillion of outstanding insurance in that form. To perform that particular role, the FDIC has more than 12,000 employees and an operating budget of about $2 billion a year. In fact, the agency's task will increase next year when it takes over the responsibility for resolving failed thrifts from the Resolution Trust Corporation.

Ms. Tigert is extremely well qualified to take over these responsibilities and provide the necessary strong leadership that is called for now at the FDIC.

Ms. Tigert graduated magna cum laude from Vanderbilt University and is an honors graduate of the University of Chicago Law School where she served also as a member of the law review. She served from 1985 to 1992 as a senior official for international banking at the Federal Reserve Board. She also served as a senior counsel for international finance at the Treasury Department from 1983 to 1985.

Most recently, Ms. Tigert has been a partner at the law firm of Gibson, Dunn & Crutcher, a well-known firm highly respected. She has also taught international finance at Georgetown University Law Center and taught comparative international banking regulation as a visiting professor in Germany. In addition, she has published a number of articles relating to international banking and other financial services topics. Ms. Tigert has devoted the vast majority of her professional career to public service and financial services and has also been active in various civic and professional organizations.

She enjoys very broad support from numerous banking organizations and individuals. For example, Ms. Tigert has the overwhelming support of—among others—the Independent Bankers Association of America, the Conference of State Bank Supervisors, and the Coalition for Women's Appointments and Women in Housing and Finance.

Ken Guenther, who serves as the executive vice president of the International Bankers Association writes about her that Ms. Tigert:

* * * is clearly an experienced, independent professional with previous high-level regulatory experience. She understands the workings of government and her confirmation would restore much-needed balance to the banking regulatory agencies.

Gerald Lewis, who serves as chairman of the Conference of State Bank Supervisors writes:

* * * the timely confirmation of Ms. Tigert as Chair of the FDIC is necessary for the future stability of the banking system.

The Coalition for Women's Appointments and Women in Housing and Finance write to us as follows:

As professionals in the financial services industry, we strongly urge you to act before adjournment of the 103d Congress on the nomination of Ricki Tigert to chair the Federal Deposit Insurance Corporation.

They go on:

Ms. Tigert's educational and professional experiences, including many years of dedicated public service, make her an excellent choice to be the next Chair of the FDIC.

The letter goes on as follows, and I quote again:

We note that never before in our Nation's history has a woman been nominated to head one of the four principal banking agencies. The United States Senate now has the historic opportunity to approve the nomination of this exceptionally well-qualified and capable woman to chair the FDIC. In the best interest of our banking system, we respectfully request your support.

Now listen to a distinguished Republican. That is Beryl Sprinkle, former chairman and Council of Economic Advisors member in the Reagan administration, and Peter Wallison, former counsel to President Reagan, and S. Linn Williams, former Deputy U.S. Trade Representative in the Bush administration who together on Monday wrote a letter to the Wall Street Journal—the three of them together—and what they said is:

We have all known Ms. Tigert for at least a decade and have worked with her closely in her government service and private law practice. Two of us worked with her in the Reagan administration. She has had a distinguished career and is held in high esteem as an internationally-recognized expert in banking law and regulation. She is committed to the complete independence and integrity of the bank regulatory process.

Now why would these three distinguished Republican persons come forward with that statement? It is because she is such an exceptionally qualified candidate to have the former chairman of the Council of Economic Advisors for Ronald Reagan come forward now with a letter to the Wall Street Journal supporting this candidate. It shows you the kind of broad support that she has.

And the letter went on to say:

She deserves to have her nomination considered by the full Senate and she deserves to be confirmed.

As I say, that is signed by three high-ranking Reagan and Bush appointees, and I fully agree with them. They are dead on the mark. And that is just a sampling of some of the support that Ms. Tigert has received.

She has the knowledge, experience, and character to be a superb chair of the FDIC, and she deserves that opportunity. As I have previously noted in hearings that we had before our committee and the vote taken in the committee, she was reported out of the Senate Banking Committee by a vote of 17 to 1. That was back on February 10 of this year.

I believe the FDIC has been without a permanent Chair now far too long. It is high time that the full Senate voted to confirm Ms. Tigert, and I support her nomination without reservation.

I yield the floor and reserve the remainder of my time.

The ACTING PRESIDENT pro tempore. The Chair recognizes the Senator from New York [Mr. D'AMATO].

Mr. D'AMATO. I yield 10 minutes to my distinguished colleague from North Carolina, Senator FAIRCLOTH.

The ACTING PRESIDENT pro tempore. The Senator from North Carolina [Mr. FAIRCLOTH], is recognized for 10 minutes.

Mr. FAIRCLOTH. Mr. President, I oppose the nomination of Ricki Tigert to head the Federal Deposit Insurance Corporation. I have met with Ms. Tigert, and found her to be bright and capable. However I believe that she is the wrong person for this job, and I will explain why.

Mr. President, over the next 2 years the American people will hear more and more about Whitewater. The term Whitewater has come to encompass a web of interconnected scandals in which personal and political friends of the Clintons have attempted to enrich themselves at public expense.

One of the vehicles for that enrichment was the failed Madison Guaranty Savings & Loan. As JIM LEACH put it, Madison Guaranty Savings & Loan was used as a piggy bank to divert money to the Clinton for Governor campaign, and to the Whitewater land development. The Whitewater development was, in turn, one of the Clintons' business partnerships.

That diversion of money helped cause Madison Guaranty to fail, ultimately costing the U.S. taxpayers some $60 million.

The recently concluded first round of Whitewater hearings was not about what went on at Madison Guaranty Savings & Loan. It was about efforts by members of the Clinton administration to stop an investigation before it even started.

Those hearings were about an effort by highly placed friends of Bill to bury criminal referrals which named the Clintons as possible beneficiaries of criminal activity. They were about an effort to keep a friend of Bill, Roger Altman, as head of a bank regulatory agency, so that he could be in a position to let the statute of limitations on the Madison Guaranty civil cases run out.

Mr. President, there is a pattern of doing whatever it takes to stop the investigation that Hillary Clinton has said she does not want—the investigation into 20 years of public life in Arkansas. Because of this pattern, people are understandably concerned about personal acquaintances of the Clintons who would be in a position to stop the investigation into the Whitewater scandal.

The RTC has been headed by a friend of Bill, Roger Altman, with disastrous results. The Office of the Comptroller of the Currency is headed by another friend of Bill, Eugene Ludwig. Now, the Clinton's want to put Ricki Tigert, another friend of bill, in charge of the FDIC.

Mr. President, the FDIC is intimately involved with the investigation into Whitewater, Madison Guaranty Savings & Loan, Hillary Clinton's old firm—the Rose law firm, and others.

At a minimum, until the Senate commits to fully examine those interconnected scandals, then it is wrong to put a personal friend of the Clintons in charge of the FDIC.

At her confirmation hearing, Ricki Tigert testified that she had known the President and Mrs. Clinton for 8 years. She goes to Renaissance weekends with them. Yet today, with her confirmation in trouble, she contends that she barely knows them.

According to her handlers, she is not only not a close personal friend of the Clintons, she is now not even a personal friend of any description. She has been transformed from the person who testified that she had known the Clintons for 8 years, into one who has allegedly only been with them in large groups, and then only been by shear coincidence.

But whatever her relationship with them, given what we know about the Whitewater scandal and the role of the FDIC in resolving that scandal, Ricki Tigert is the wrong person for the job.

Ricki Tigert says she has recused herself from Whitewater matters. But in the very letter in which she recused herself, Ricki Tigert uses her personal recusal as an excuse to effect agency policy.

In effect, she uses her recusal as a dodge to prevent Senator D'AMATO and Representative LEACH from getting documents that the FDIC does not want them to have.

Her legalistic recusal is not a trivial matter, and at a minimum needs to be further examined by the Banking Committee in light of what we have learned regarding Roger Altman's recusal. The decision about Ricki Tigert's recusal was mentioned by no fewer than 12 different witnesses at those Whitewater hearings, raising further questions.

Yet instead of answers, we get half-truths and falsehoods. Just last week, Deputy White House legal counsel Joel Klein told the Wall Street Journal that he had the only White House conversation with Ricki Tigert about the recusal issue. Yet we know from the Whitewater hearing documents that this is simply not the truth.

Mr. President, I have right here a March 7, 1994, White House memo from David Gergen. In this memo David Gergen says—and I quote—"I received a call at home from Ricki Tigert, a friend, who wanted to discuss her pending appointment to the chairmanship of the FDIC." He went on to say that—and again I quote—"She asked if I would discuss her interest in a recusal with others in the White House and I said I would."

Mr. President, who did David Gergen discuss Ricki Tigert with in the White House? Who else besides David Gergen and Joel Klein did she have discussions with? Why did Joel Klein tell one thing to the Wall Street Journal, when something else is obviously true—especially after all we have learned during the Whitewater hearings?

Mr. President, these are questions that Ricki Tigert has had months to answer. Instead of answering them, she has chose to spend her time networking with her friends from Renaissance weekends, getting them to lobby and call Senators' offices to tell them that they should just ignore all of the questions that keep being raised.

Mr. President, we do not need an FDIC nominee who must recuse herself from a laundry list of individuals and firms in order to try to make people believe that she would not stonewall the investigation. Rather, we need an FDIC Chairman with the independence to go after wrongdoing wherever he or she finds it.

Ricki Tigert is the wrong person, for the wrong job, at the wrong time. Her nomination should be rejected, and a nominee with no ties to the Clintons, Madison Guaranty, or the Rose law firm should be submitted.

Mr. President, before I conclude, I would just like to tell my friend from Michigan how much I have enjoyed getting to know him and serving with him in the Senate. I will miss the leadership that he has given to the Banking Committee.

I yield the floor.

STATEMENT ON THE NOMINATION OF RICKI TIGERT

Mr. DURENBERGER. Mr. President, I rise in support of the confirmation of Ricki Tigert, nominee to serve as Chairperson and member of the Board of Directors of the Federal Deposit Insurance Corporation.

The FDIC is the Federal regulator of about 7,800 State-chartered banks which are not members of the Federal Reserve System. The FDIC regulates these nonmember banks with the States. Strong leadership at the FDIC is necessary for maintaining the future stability of the banking system.

We are now into the third year the FDIC has been administered by an Acting Chairman of a Board of only two other members, both of whom report to the Treasury Department. The fact that Treasury appears to be running the show does not give me confidence that the FDIC is being run in an independent manner. There is also a serious morale problem in the agency exacerbated by the lack of permanent leadership, also compounded by the need to reorganize the FDIC to absorb the operations of the RTC. The Acting Chairman is currently awaiting his own confirmation as Vice Chairman. That nomination is tied to that of Ms. Tigert.

Ms. Tigert's nomination is supported by the Conference of State Bank Supervisors and by the Independent Bankers Association of America, including my own constituent Al Olson, an independent banker who took some of his own valuable time to campaign for Ms. Tigert last week.

What really concerns me is the quality of Government—in this case the FDIC—and the seeming willingness of the Congress to disregard the importance of providing leadership for Government agencies. The confirmation process, which GAO is currently examining, has played a role in discouraging good people from seeking public service. There simply is no way we can ensure the quality of our Government by denying it the best leadership possible.

I understand that the nominee for another open Board position has withdrawn her name, because her nomination was tied with Ms. Tigert's, and she simply was not willing to wait any longer. This is not the best way to ensure the appointment of quality candidates.

Ms. Tigert had every reason to believe that her nomination would not be controversial. She has an excellent background for the position. She has served 2 years at Treasury and 7 years at the Federal Reserve Board. She has had 16 years of experience on banking-related issues. Since nominated a year ago, she has given up 95 percent of her practice in her law firm at great personal sacrifice. The nomination process has been a painful experience for her—and, again, there is absolutely no evidence that she does not possess all of the qualifications and attributes needed to serve effectively.

In fact, in February the Banking Committee voted 18 to 1 to recommend Ms. Tigert's confirmation. Her nomination was sent up last November. Here we are nearly 1 year later finally debating the nomination on the floor, but only after a cloture vote was necessary to close off the debate.

Ms. Tigert's nomination was held up initially to express congressional concern about the Whitewater-Madison issue. As a result, this body did hold limited hearings on Whitewater. However, my friend and colleague from New York, and others, remain strongly opposed to her nomination until Congress fully examines all of the issues related to Whitewater. Ms. Tigert was the target because the FDIC supervises the Resolution Trust Corporation, the agency which investigated the failed Madison Guaranty Savings & Loan. While Ms. Tigert had no involvement with any of the Whitewater-Madison related issues, she recused herself from any FDIC action that might involve the Clintons. This action apparently caused some Senators to question her involvement in White House discussions of these matters as well as her relationship to the Clintons.

In my review of this nominee, I have found no reason to believe that she has any kind of conflict of interest or that her relationship to the Clintons would be a cause of concern.

In my judgment, Ms. Tigert's nomination is a vehicle for expressing the minority's concern about the need for further investigation into Whitewater-Madison issues. I share some of my colleagues' concerns. But, I strongly disagree that the FDIC should be the victim of this battle.

Mr. President, all of us hope and expect the President to appoint the best people he can to all top administration positions. Ms. Tigert was a good choice. I am pleased that she decided to fight the opposition—many would not. We should expect a lot of people who take these positions which serve the public—but we should not expect them to be pawns in this kind of political game playing.

Ms. Tigert is the kind of nominee I would like to see in all of the President's appointments. Let's limit the debate and find other fora for our concerns about Whitewater-Madison.

I appeal to all of my Republican colleagues to vote with me to confirm her nomination today.

STATEMENT ON NOMINATION OF RICKI TIGERT

Mr. MATHEWS. Mr. President, I join my colleagues who praise the high abilities of my fellow Tennessean, Ms. Ricki Tigert, and urge her confirmation as Chairman of the Federal Deposit Insurance Commission.

Rarely, Mr. President, have I seen a candidate for public service so amply qualified to hold the post for which she has been nominated.

Her credentials speak for themselves: Service with the Federal Reserve as associate general counsel for international banking, senior counsel for international finance at the Treasury Department, private sector law practice concentrating on financial regulation and compliance, a distinguished record as university lecturer and writer, service in the nonprofit sector and professional associations, and her own distinguished academic history.

She has shown a career-long progression of competence that has earned her not only successively higher responsibilities but also successively greater recognition and regard. That regard, as our colleagues have already noted, includes Republicans and Democrats, regulators and the regulated, academics and practitioners alike.

As the distinguished members of the Senate Banking Committee have observed, the post of FDIC Chair is one that must inspire high trust among the millions of Americans who have deposits and loans with institutions regulated by the FDIC. As Ms. Tigert herself has noted, the FDIC is in the early stages of a major transition from assuring the banking system's survival to assuring its growth. Ms. Tigert has the integrity, the experience, and the knowledge to serve this post at the time when those qualities are most in demand.

I urge her speedy confirmation and thank the Chair.

Ms. MOSELEY-BRAUN. Mr. President, the Senate has a responsibility to see that Federal regulatory agencies have the kind of strong leadership necessary to meet their responsibilities. In the case of the Federal Deposit Insurance Corporation, the Senate has been prevented from meeting that responsibility.

The FDIC has been left with an Acting Chairman for over 2 years now. That fact, it seems to me, is a travesty. We need to get a Chair who has been named by the President and confirmed by the Senate, into place.

We have a very well-qualified candidate that the Senate Banking Committee acted on a long time age, one who was recommended to the administration by the distinguished Chairman of the Federal Reserve Board, Alan Greenspan, and by Beryl Sprinkel, the Chairman of the Council of Economic Advisers in the Reagan administration. That candidate, Ricki Tigert, has the experience, the expertise, and the ability to lead the FDIC. In fact, I am not aware of any reason that goes to her qualifications or her abilities that would suggest that she is not fit to serve as the head of the FDIC. However, she is still not confirmed. Despite the broad support she demonstrated before the Senate Banking Committee, the Senate has been blocked from acting on her nomination.

Ricki Tigert has sacrificed a lot to go into public service. She has given up all her banking work at her law firm, which has been the overwhelming bulk of her practice. She has gone on salary, even though she is a partner at the firm, in order to prevent even any hint of a suggestion that she would benefit from any increased work her firm might be doing in the financial services area. Frankly, it seems to me, that, in human terms, the continuing hold on her nomination for reasons that have absolutely nothing to do with her or her unquestioned ability to make a first-rate Chair of the FDIC, is unfair and unconscionable.

There was an initial reluctance by some to act on Ricki Tigert's nomination because of a controversy totally unrelated to her qualifications; she became a hostage to the Whitewater controversy. But the conditions set out in the letter sent by some of my colleagues outlining this issue have been met. The Senate Banking Committee has held 6 very long days of hearings on aspects of the Whitewater-Madison Guaranty matter, and the only reason that additional hearings have not yet been held is because the independent counsel conducting the investigation into these matters, Mr. Fiske, was replaced by the court of appeals, and the new independent counsel, Mr. Starr, has not yet concluded his investigation of the Washington aspects of the Whitewater-Madison matter.

Just last week, Senator RIEGLE, the chairman of the Banking Committee, and Senator D'AMATO, the ranking Republican member of the committee, issued a joint press release stating. "As required by Senate Resolution 229, the committee will not schedule further public hearings until we believe such hearings will not impede his, Mr. Starr's investigation."

That leaves only one issue for the opponents of her nonmination—that she happens to know the President and the First Lady. Now, if she knew them well enough, a friendship with the President and the First Lady might be disqualifying for some very few positions in Government. But Ricki Tigert isn't being appointed to be the special counsel investigating the President. She is not being appointed to the court overseeing the special counsel. She is nominated to head the FDIC.

The FDIC is not a key agency in the investigation of Whitewater-Madison—the independent counsel, and the RTC are the leads. Moreover, Ms. Tigert has recused herself from any potential FDIC involvement in that matter.

Mr. President, if we do not act on the Tigert nomination before this Congress adjourns for the year, it will likely be at least 6 more months before we will be able to act on her confirmation next year. That would be nothing short of a disgrace. The FDIC is at the heart of our system of bank regulation. It is the guardian of the life savings of millions and millions of Americans. It is the guardian of the taxpayers' interest in seeing that we never, have a repetition of the kind of insurance fund debacle we saw in the 1980's.

The FDIC needs permanent leadership. It needs a head who has been confirmed by this Senate to head that organization. We need to act on the nomination of Ricki Tigert to be the new Chair of the FDIC now—before we adjourn. That is our responsibility and that is our obligation. I strongly urge my colleagues to join me in supporting the nomination of Ricki Tigert to head the FDIC.

Mr. MITCHELL addressed the Chair.

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

CLOTURE MOTION

Mr. MITCHELL. Mr. President, I send a cloture motion to the desk and ask that it be stated.

The ACTING PRESIDENT pro tempore. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, hereby move to bring to a close the debate on the conference report to accompany H.R. 6, the elementary and secondary education bill:

George J. Mitchell, Daniel K. Akaka, Max Baucus, Harris Wofford, Carl Levin, Claiborne Pell, J. James Exon, Barbara Boxer, Jay Rockefeller, Daniel K. Inouye, Byron L. Dorgan, Howell Heflin, Harry Reid, Joseph I. Lieberman, Patty Murray, Diane Feinstein, Russell D. Feingold.

NOMINATION OF RICKI RHODARMER TIGERT TO THE FDIC

Mr. RIEGLE addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Michigan.

Mr. RIEGLE. Mr. President, how much time is remaining on this side?

The ACTING PRESIDENT pro tempore. The Senator from Michigan has 9 minutes. The Senator from New York has 7 minutes and 10 seconds.

Mr. RIEGLE. Mr. President, let me thank the Senator from North Carolina for his gracious personal comments. I am touched by it and I appreciate it. I am going to miss his friendship and serving with him.

I yield 8 of the 9 minutes to the Senator from Washington.

The ACTING PRESIDENT pro tempore. The Senator from Washington [Mrs. MURRAY] is recognized for 8 minutes.

Mrs. MURRAY. Thank you, Mr. President.

Mr. President, I rise today to support the nomination of Ricki Tigert to Chair the Federal Deposit Insurance Corporation, and to urge our colleagues to invoke cloture today and finally allow this nomination to move forward.

Mr. President, the FDIC maintains the safety and soundness of our financial institutions. The FDIC promotes and preserves public confidence in banks. It protects the money supply by providing insurance coverage for depositors.

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The FDIC oversees nearly three and one-half trillion dollars' worth of deposits.

But this is not an issue for Wall Street, it is an issue for Main Street. My parents, my brothers and sisters, and my friends and neighbors all save their money in federally insured accounts. They depend on this System being overseen by a qualified and competent regulator. In my home State of Washington, the FDIC insures more than 52 billion dollars' worth of deposits.

I cannot stand by and allow average Americans to be put at risk while this nomination is being held up.

The Chair of the FDIC is one of the most important positions in our Government to average Americans.

Yet, for the past 2 years, Mr. President, we have not had a Chair of the FDIC.

This confirmation process should not be the time to score debating points. I know there are decent Senators on both sides of the aisle who draw the same line I do here in the Chamber: Some things are just not worth the risk.

Mr. President, I am not a personal friend of Ricki Tigert. I have not known her for years. In fact, I met her first this last February, when she came to my office prior to her confirmation hearing in the Banking Committee.

So, I would like to enter into the RECORD a statement by those who have worked with her and who know her well.

The Wall Street Journal published a letter from Beryl Sprinkel, President Reagan's Chairman of the Council of Economic Advisers; Peter Wallison, President Reagan's counsel; and Linn Williams, President Bush's Deputy Trade Representative. All Republicans.

They say about Ricki Tigert: "She has had a distinguished career and is held in high esteem as an internationally recognized expert in banking law and regulation. She is committed to the complete independence and integrity of the bank regulatory process."

I ask unanimous consent that the full text of their letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

[From the Wall Street Journal, Aug. 22, 1994]

[Letters to the Editor]

RICKI TIGERT: NO CLINTON CRONY

In his Aug. 5 column, "On Whitewater: Clinton Team Doesn't Inhale," Paul Gigot left the impression that Ricki Tigert, the Clinton administration's nominee to chair the Federal Deposit Insurance Corporation (FDIC), has not agreed to recuse herself from Whitewater matters if she were confirmed by the Senate.

In his column Mr. Gigot wrote: "On Feb. 1 Ms. Tigert told the Senate she wouldn't recuse herself from Whitewater matters; we now know that was the same week the White House leaned on Mr. Altman not to recuse." This is a clever juxtaposition of unrelated events, but it leaves the false impression that Ms. Tigert's position and Mr. Altman's were somehow connected.

In reality, a few days after her confirmation hearing and prior to the Senate Banking Committee's vote, Ms. Tigert advised the Senate Banking Committee in writing that she would recuse herself from any investigation, inquiry, or determination concerning President or Mrs. Clinton. The committee then approved her nomination, 18 to 1.

We know from our discussions with Ms. Tigert during the confirmation process that she never sought or received advice from any White House official on the decision to recuse herself. Instead, she followed her own counsel and advised the Deputy White House Counsel that this was her decision. There was no effort to dissuade her. And she was unaware at the time of any controversy within the White House concerning Roger Altman.

Further, we strongly disagree with the suggestion in your editorial. "The Meese Test," of July 20, that Ms. Tigert would be a "bank regulator/crony." We have all known Ms. Tigert for at least a decade, and have worked with her closely in her government service and private law practice. Two of us worked with her in the Reagan administration. She has had a distinguished career and is held in high esteem as an internationally recognized expert in banking law and regulation. She is committed to the complete independence and integrity of the bank regulatory process, as she testified in her confirmation hearing. The notion that she is a Clinton "crony" is a canard.

She has met the Clintons, but only in public. She has never spent time alone with either of them.

We believe the Senate and House should diligently pursue Whitewater, but Ms. Tigert's nomination to chair the FDIC is a completely unrelated matter. Continuing to hold up a vote on her nomination does nobody any good—least of all the banking industry. She deserves to have her nomination considered by the full Senate, and she deserves to be confirmed.

BERYL W. SPRINKEL,
Former Chairman, Council of Economic Advisers in the Reagan Administration.
PETER J. WALLISON,
Former Counsel to President Reagan.
S. LINN WILLIAMS,
Former Deputy U.S. Trade Representative in the Bush Administration.

Mrs. MURRAY. Ricki Tigert's former colleagues at the Federal Reserve during Republican administrations have strongly supported her nomination, including former Chairman Paul Volcker and former Gov. Wayne Angell.

Former FDIC Chairmen William Isaac, a Republican, and John Heimann, a Democrat, have urged her confirmation in a letter to my good friend, the majority leader.

They wrote: "She has an established record as an independent bank regulator. Her judgment and her strong record at the Federal Reserve underscore our conviction that she will be an outstanding Chairman of the FDIC and deserves immediate confirmation."

Mr. President, I ask unanimous consent that the full text of their letter be printed in the RECORD.

There being no objection the letter was ordered to be printed in the RECORD, as follows:

SEPTEMBER 28, 1994.

Hon. GEORGE J. MITCHELL,
U.S. Senate, Russell Senate Office Building, *Washington, DC.*

DEAR SENATOR MITCHELL: As former chairmen of the Federal Deposit Insurance Corporation (FDIC) we are writing to ask for your help in assuring the immediate confirmations of Ricki R. Tigert and Andrew C. Hove as Chairman and Vice-Chairman, respectively, of the FDIC prior to the end of the 103rd Congress.

The FDIC has awaited a permanent chairman for more than two years since the untimely death of William Taylor in August 1992. Andrew Hove has done an exceptional job as Acting Chairman of the FDIC, but only a permanent chairman can undertake significant initiatives to address the critical issues facing the agency.

Ricki Tigert was nominated last November to chair the FDIC. She was approved by the Senate Banking Committee in February by a vote of 18 to 1. Like William Taylor she has an established track record as an independent bank regulator at the Federal Reserve. She emphasized in her confirmation hearing that safety and soundness is her starting point in analyzing and responding to all issues that face the agency. We think she is absolutely correct. Her judgment and her strong record at the Federal Reserve underscore our conviction that she will be an outstanding chairman of the FDIC and deserves immediate confirmation.

In our view Ricki Tigert and Andrew Hove will make an excellent team to lead the agency through difficult issues that require immediate attention. Two of the most important of these issues are the potential premium differential between the Bank Insurance Fund and the Savings Association Insurance Fund and the ongoing evaluation of the effectiveness of risk-based insurance premiums for encouraging safe and sound management of financial institutions.

In the final weeks of the 103rd Congress we urge you not to forget the FDIC, which for more than sixty years has protected American savings. The agency needs and deserves strong, permanent leadership. Ricki Tigert and Andrew Hove should be confirmed as soon as possible.

Very truly yours,

WILLIAM M. ISAAC.
JOHN G. HEIMANN.

Mrs. MURRAY. Even the business community she will be overseeing has been lobbying heavily for her confirmation. How often do we see that here in the Senate? I ask unanimous consent that a letter from Ken Guenther of the Independent Bankers Association of America be printed in the RECORD, as well as a letter from James Watt, president and CEO of the Conference of State Bank Supervisors.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

INDEPENDENT BANKERS
ASSOCIATION OF AMERICA,
Washington, DC, September 9, 1994.

Hon. DONALD W. RIEGLE,
U.S. Senate, Dirksen Senate Office Building, Washington, DC.

DEAR SENATOR RIEGLE: The Federal Deposit Insurance Corporation (FDIC), the primary federal regulator for some 8,800 state-chartered banks, has been without a confirmed chairman since the tragic death of Chairman Bill Taylor in August 1992. The

confirmation of Ricki Tigert, the very well-qualified and capable individual who has been nominated as FDIC chairperson, has been delayed for months. The Independent Bankers Association of America (IBAA) requests your assistance to have the Senate act on the nomination of Ricki Tigert as chairperson, as well as on the nominations of Andrew Hove as vice chairman and Anne Hall as FDIC director.

By statute, the FDIC is required to have a five-member board that consists of a chairman, vice chairman, and three directors, including the Comptroller of the Currency and the director of the Office of Thrift Supervision. Acting FDIC Chairman Andrew Hove is chairing a board of just three members, where the only confirmed member is the Comptroller of the Currency. The IBAA believes that acting FDIC Chairman Hove has done a highly credible job under trying circumstances. However, it is impossible for an individual in an "acting" capacity, who is awaiting his own confirmation, to bring the necessary independent political clout to the agency. And since two of the three FDIC board seats are filled by individuals directly responsible to the political leadership of the Treasury Department, this important agency is effectively under Treasury control.

This is a matter of considerable concern to the banking industry and runs contrary to the clear intent of the Congress in setting up the FDIC. Issues of great importance are pending.

The FDIC–BIF is moving towards the important 1.25 reserve ratio, which should trigger substantially lower bank premiums. Earlier in the Clinton Administration, thought was given to channeling deposit insurance premiums to affordable housing programs. A fully functioning FDIC board could play a crucial role in this issue.

It is further expected that the Treasury proposal to consolidate the regulatory agencies will resurface early in the next Congress. In recent days, Treasury Under Secretary Frank Newman, who has been named by Secretary Bentsen to succeed Roger Altman as deputy secretary, has told the press this. Since the FDIC would be a major loser under the original Treasury plan and under the rumored Treasury-Fed apparent agreement, an independent FDIC board could play a crucial role in the upcoming debate.

The President's CRA reform initiative is pending. Again, this has largely been negotiated out by the Fed and the OCC, with President Clinton having assigned Comptroller Ludwig the lead role. The FDIC's voice should be heard when the proposal is put out for comment this month.

Fourth, the RTC is winding down and major staff integration and money decisions will have to be made early in 1995.

Finally, a personal note. I did not know Ricki Tigert when her name surfaced. Since the FDIC chairperson regulates more community banks than any other federal regular, I did due diligence on her, checking sources who worked with her at both the Fed and the Treasury. I checked at the political level and the career staff level. Ms. Tigert checks out, and has impressive bi-partisan policy level and career staff support.

She is clearly an experienced, independent professional with previous high-level regulatory experience. She understands the workings of government and her confirmation would restore much-needed balance to the banking regulatory agencies.

It is time that the FDIC returned to the status intended by the Congress—an independent regulatory agency.

The IBAA is hopeful that the Senate will be able to promptly confirm Ms. Tigert and Skip Hove at this cruical time and ensure the continued independence of the FDIC. As you may know, the confirmation impasse has already claimed one victim. Anne Hall, a banker and the daughter of a former Democratic congressman from Ohio, who was slotted for the open FDIC directorship—and who also has been waiting all this year for confirmation—has asked that her name be withdrawn.

Sincerely,

KENNETH A. GUENTHER,
Executive Vice President.

CONFERENCE OF
STATE BANK SUPERVISORS,
Washington, DC, September 19, 1994.

Re Tigert nomination to Chair the FDIC.

Hon. PATTY MURRAY,
U.S. Senate,
Washington, DC.

DEAR SENATOR MURRAY: The Conference of State Bank Supervisors (CSBS) strongly urges you to act on the nominations of Ricki Tigert to chair the Federal Deposit Insurance Corporation (FDIC) and Andrew Hove as Vice Chairman of the FDIC.

Over two years ago, FDIC Chairman William Taylor died unexpectedly. Since then, the FDIC has been headed by acting-Chairman Andrew Hove. Acting-Chairman Hove has done an outstanding job in leading the FDIC under very difficult circumstances. However, the FDIC needs and deserves an appropriately appointed and confirmed Chair and Board of Directors to take on the challenges that currently face the FDIC and the banking industry.

CSBS is comprised of the state officials that charter and supervise banks in the fifty states and the four possessions. There are over 8,800 state banks that hold more than $1.79 trillion in assets. Of this number, over 7,800 state banks are not members of the Federal Reserve System. These so-called state nonmember banks are regulated in close cooperation by the states and the FDIC. This gives state bank supervisors both a unique perspective on the workings of the FDIC and a critical interest in the effectiveness of the FDIC.

The absence of a confirmed Chair and Board of Directors is a serious and growing problem for the FDIC. Over two years without permanent leadership has resulted in a dramatic fall in the morale at the FDIC. The FDIC is faced with numerous and varied new challenges to the soundness of the deposit insurance funds including the likely disparity in deposit insurance assessments between the Bank Insurance Fund and the Savings Association Insurance Fund and the regulation of bank derivative activities. In addition, the FDIC is faced with significant administrative challenges, including the need to substantially reduce the work force at the FDIC in light of the reduction in bank failures.

What the FDIC needs is strong, permanent leadership, and it needs it now. Ms. Tigert is without question extremely well qualified and capable to fill the void at the FDIC. She has an established record as an independent bank regulator. As in the case of William Taylor, her years of experience at the Federal Reserve Board have given her a strong understanding of the critical role that banking regulation plays in assuring the safety and soundness of financial institutions. Ms. Tigert will provide the agency, the banking industry, and the country with a regulator who is dedicated to protecting the taxpayers' guarantee of the federal deposit insurance system and to confronting aggressively the challenges before the banking industry.

Without a Chair and functional Board, the FDIC cannot play its critical role as deposit insurer in the bank regulatory system. Once Ms. Tigert and her fellow FDIC Board nominee Andrew Hove are confirmed by the Senate, we can all rest assured that balance and independence will be restored to bank regulation.

CSBS respectfully requests that you confirm the nominations of Ms. Tigert and Mr. Hove. We recognize that there are many crucial issues awaiting floor action. We would not raise the issue of a nomination at this time but for our absolute conviction that the timely confirmation of Ms. Tigert and Mr. Hove is necessary for the future stability of the banking system.

CSBS appreciates your attention to this matter. We look forward to working with you toward a stronger, safe banking system.

Sincerely,

JAMES B. WATT,
President and CEO.

Mrs. MURRAY. I also ask for unanimous consent that a letter of support for the Tigert confirmation from the Independent Insurance Agents of America be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

INDEPENDENT INSURANCE
AGENTS OF AMERICA INC.,
Washington, DC, September 29, 1994.

Hon. PATTY MURRAY,
Senate Hart Building, Washington, DC.

DEAR SENATOR MURRAY: We are writing to request your support in confirming Ricki Tigert as chairperson of the Federal Deposit Insurance Corporation (FDIC).

She is an experienced, independent professional with significant regulatory experience.

The FDIC is too important an agency to have a leadership vacuum. The time has come for the Senate to act favorably on this nomination. A failure to act before adjournment will almost certainly mean that the FDIC will drift until next spring.

The Independent Insurance Agents of America believes that an independent board of directors at the FDIC is important for both business and consumers in this country. Ms. Tigert's background has prepared her well to be the chairperson of the FDIC.

Sincerely,

ROBERT RUSBULDT,
Vice President Federal Affairs.

Mrs. MURRAY. The Insurance Agents wrote:

The FDIC is too important an agency to have a leadership vacuum. The time has come for the Senate to act favorably on this nomination. A failure to act before adjournment will almost certainly mean that the FDIC will drift until next spring.

Mr. President, the FDIC is a corporation with an operating budget of nearly $2 billion. It has more than 13,000 employees, and reserves of $13 billion.

Its shareholders are the American people—average Americans who depend on the safety and soundness of our financial institutions. And, it has gone rudderless for 2 years.

Can you think of any other $13 billion corporation whose shareholders would allow it to operate without a

board, and with an acting CEO, for 2 years?

Mr. President, we have an outstanding nominee. Ricki Tigert passed out of the Senate Banking Committee by a vote of 18 to 1. She has had broad-ranged experience in the U.S. Government spanning the executive branch, the U.S. Congress, and the Federal Reserve.

She has worked for more than 15 years on a range of banking and financial issues that has gained her respect and admiration from all her former colleagues, many of whom are Republicans.

Ricki Tigert's confirmation is not being opposed for any substantive reason. It is all politics. And, the American people will not stand for this body jeopardizing the safety and soundness of our banking system.

This is exactly what Americans hate about politics. It sends a terrible message about public service. It takes the honor and the sense of duty out of serving the American people.

And, it is dangerous to average American depositors.

The objections that have been raised are red herrings—that she knows Bill and Hillary Clinton. Those arguments have been debunked.

That the recusal did not come soon enough—those arguments have been debunked. And now that there are too many recusals out there.

Mr. President, this reminds me of a child in preschool who threw all the toys on the floor and turned around and said, "It's too messy for me to play in here."

Mr. President, I urge the swift confirmation of Ricki Tigert, and urge all of our colleagues to vote for this cloture motion.

I reserve the remainder of our time.

The ACTING PRESIDENT pro tempore. Who yields time?

The Senator from New York [Mr. D'AMATO] is recognized.

Mr. D'AMATO. May I inquire how much time we have?

The ACTING PRESIDENT pro tempore. The Senator has 7 minutes and 9 seconds.

Mr. D'AMATO. Mr. President, let me first say that I voted for Ms. Tigert. There is no doubt that she is qualified. But Ms. Tigert was less than candid with the committee, less than candid as it related to the issue of recusal, less than candid thereafter—her spokesperson saying one thing and the record indicating quite clearly something else.

I have a memo here. I ask unanimous consent the memo be printed in the RECORD as if read in its entirety.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(See exhibit 1.)

Mr. D'AMATO. Mr. President, this document is a memo from the files of David Gergen, entitled "Contacts with the RTC/FDIC." I only have 7 minutes, but let me say this memo raises more questions than were raised by Roger Altman.

I do not think we want a FDIC chairperson who is going to be called before the Banking Committee to explain how many contacts she had with the White House on the issue of recusal. I suggested to the White House we not go forward with this so I would not even have to make this brief statement. I have not issued press releases. I find it rather disingenuous to have a former Deputy Secretary of the Treasury, Peter Wallison, who was Ms. Tigert's law partner, lobbying on her behalf as if there was no contact; making statements that she only had one contact with the White House when indeed we know of at least one other. That comes from Mr. Gergen himself.

We have gone through enough problems—problems with the issues of White House contacts and attempts to manipulate and oversee who is placed in control of independent agencies, who controls decisions on matters that are very sensitive and affect the White House. When are we going to learn? I went to the chairman of the committee, I went to others. I said we should avoid this. This is not the time to bring this nomination forward.

I have extensive remarks that, if we lose this cloture vote, I will put into the RECORD. There are questions that have to be raised. The committee should be able to ask her these questions.

I find it incredible that as it relates to her contacts with the White House she says on one hand, through her spokesperson: I only had one. Yet Mr. Gergen's memo indicates that there was at least one other, and that she herself called him to make that contact with the White House.

Is that the kind of situation we want to have develop, as it relates to the chairperson of this important agency? Is it important? Yes. Has she had highly placed people lobbying on her behalf? Yes. What is their relationship? Either law partners or former associates. I do not think that they are independent. I think they comprise an insider network which is working to help one of their own there.

Remember, this comes from a Senator who advised her before her hearing that she would be asked about recusal. I thought that she should be candid. And she was less than candid. I supported her initially, not withstanding the question that was raised by one of the members of the committee as it relates to this. Did she give us candor thereafter? No. Do her representatives give us candor thereafter? No.

I find it incredible that Mr. Wallison, who was himself a distinguished counsel and Deputy Secretary of the Treasury, comes forward and says there was only one contact when indeed we know of at least another one, as a result of the memo that we have received and that I put into the RECORD.

Mr. President, I do not believe—I can ask the chairman here—that I have opposed one nomination that has come through the Banking Committee. I have gone out of my way to be helpful, even where there have been somewhat controversial nominations. I have not used my status as ranking member to come to the floor to oppose nominations. This is the first time. These are unusual circumstances.

Roberta Achtenberg, Assistant Secretary of Housing was very controversial. I said, "As far as I am concerned, she has the qualifications, she promises to do the job according to the law." And she has proven to be even more controversial in the job than suspected. I did not try to oppose her.

I have not attempted to second guess the President. I ask the chairman if he is aware of any of the nominations that have come before our committee, and there must have been close to 30 of them, that I have held up or that I have voted against? If I have, I would vote and let it go.

I oppose this nomination for good cause and with good reason, unless we just choose to say, "Oh, we need somebody, plunge ahead." If we want to get into the merits, I will put it into the RECORD. Indeed, if we lose cloture I will do exactly that. We will provide the facts we have now. But that will not preclude us from asking her to come before the committee for detailed, comprehensive hearings on the Whitewater matter, and asking about her contacts with the White House, and the statements that her representatives have put that are not accurate.

I do not think it makes sense to go forward. I advised the administration through the chairman that it is not the time nor the place, and there are questions that need to be asked. I did not go to anyone off the record or on the record with the statement. I did not feed this out to the press, to say these were going to be questions that are being raised. But by going forward in this manner, I at least have to put this into the RECORD, as to why this Senator opposes the nomination.

EXHIBIT 1

THE WHITE HOUSE,
Washington, March 7, 1994.

From David Gergen.

Subject Contacts with RTC/FDIC.

To the best of my memory, I have not had any conversations—direct or indirect—with officials representing RTC about the content of subjects under investigation. My files also do not show any phone calls or contain papers which suggest contacts.

For purposes of the record, I wish to take note of the following:

Last Monday, February 28, I placed a call to Roger Altman to congratulate him on recusing himself with regard to Madison Guaranty. I thought he had voluntarily taken the proper step and I wanted to be sure he knew of my support.

This past Saturday morning, March 5, Roger Altman called me to discuss a public letter he had sent to Senator Riegle explaining aspects of his earlier meeting with White House officials, including the fact that his office had obtained prior clearance from the Office of Ethics at Treasury. He wished to ensure that White House officials and members of the press were more fully apprised of the letter, and I assured him we would make an effort to make sure people knew of its contents. At the end of the conversation, I raised the subject of his coming testimony to Congress and I emphasized how strongly the President wished that in all such matters, his people be forthcoming and honest.

This past Sunday evening, March 6, my wife and I had dinner at Mr. Altman's home. It was largely a social occasion. He and I did talk about the controversies that were in the press re: Whitewater but we did not talk about anything which might have been untoward (e.g., we specifically avoided discussion of his forthcoming testimony at the request of Special Counsel Fiske). (I have previously attended one other dinner at Roger Altman's home but I believe the subject of the RTC never came up, nor can I recall any other conversations with Mr. Altman about it.)

On another front: about three Sundays ago (I may be off by a week or so), I received a call at home from Ricki Tigert, a friend, who wanted to discuss her pending appointment to the chairmanship of the FDIC and the question of whether she should recuse herself from matters relating to Whitewater. She expressed a preference for recusal, and I encouraged her to seek such recusal. She asked if I would discuss her interest in a recusal with others at the White House, and I promised her that I would. Thereafter, I spoke with Joel Klein, who also supported a recusal. Joel notified me that Monday (possibly Tuesday) that Ricki would indeed be recusing herself.

My memory is a little hazy, but I believe these conversations represent my contacts with regulators in the Madison matter.

The ACTING PRESIDENT pro tempore. Who yields time?

Mr. RIEGLE. Mr. President, how much time remains on this side?

The ACTING PRESIDENT pro tempore. The Senator from Michigan has 3 minutes and 22 seconds.

Mr. RIEGLE. I am going to reserve time for the Senator from Tennessee. We have 3 minutes remaining. Let me yield a minute now to the Senator from Maryland.

The ACTING PRESIDENT pro tempore. The Senator from Maryland [Mr. SARBANES] is recognized for 1 minute.

Mr. SARBANES. Mr. President, I rise in support of the nomination of Ricki Tigert to be Chairman of the Federal Deposit Insurance Corporation [FDIC].

The FDIC has been without a confirmed chairman since August 1992, when the able William Taylor tragically died. Andrew Hove, a member of the board of the FDIC, has been serving as acting chairman since that time. Although by all accounts Mr. Hove has done creditable job, most observers agree that the FDIC is in need of the permanent leadership and direction that only a duly appointed and confirmed chairman can provide.

Mr. President, the Senate Banking Committee held a hearing on Ms. Tigert's nomination on February 1, and on February 10 the committee favorably reported out her nomination by a vote of 17 to 1.

A brief review of the responsibilities of the FDIC makes clear why it is important that a duly appointed and confirmed chairman assume its leadership.

The FDIC has a budget of $2 billion and approximately 12,000 employees. It has responsibility for managing both the Bank Insurance Fund [BIF] and the Savings Association Insurance Fund [SAIF], which insure deposits up to $100,000 in commercial banks and thrift institutions in the United States.

The FDIC is also the primary Federal regulator for over 6900 State chartered banks with $862 billion in assets. The FDIC is the primary Federal supervisor for nearly 400 State chartered savings banks with assets of $192 billion.

In addition, the FDIC has authority to regulate activities of state-chartered banks and thrifts that pose a serious threat to the Bank Insurance Fund or the Savings Association Insurance Fund, as well as to conduct examinations and bring enforcement actions relating to its responsibility to protect the insurance funds.

Beginning in 1995, the FDIC will not only have responsibility to resolve failed banks but it will also take over the responsibility to resolve failed thrifts from the Reduction Trust Corporation [RTC]. Further, when the RTC goes out of business at the end of 1995, the FDIC will become responsible for disposing of its remaining asset inventory.

Ms. Tigert is well qualified nominee, who brings a distinguished record of experience and achievement in the public and private sectors to this nomination.

She is an honors graduate of Vanderbilt University and the University of Chicago Law School. She had the honor of clerking for one of our country's most distinguished jurists, the Honorable John Minor Wisdom of the U.S. Court of Appeals for the Fifth Circuit.

After working for 2 years on the staff of the Senate Judiciary Committee and practicing law for 4 years with a Washington law firm, Ms. Tigert went to work for the Treasury Department as Senior Counsel for International Finance for 3 years.

She followed that with 7 years of service with the Federal Reserve Board as their Associate General Counsel for International Banking. Since 1992 she has been a partner in the Washington law firm of Gibson, Dunn, and Crutcher, providing legal advice on domestic and international banking issues.

She has served as adjunct professor of law at the Georgetown University Law Center, and as chair of the American Bar Association's Committee on International Banking and Finance.

Ms. Tigert brings a great depth of experience and expertise in financial regulation to this nomination. She is well prepared and I believe she will be an able chairman of the FDIC.

I urge my colleagues to vote in favor of the cloture motion so that debate can be limited and the Senate can have the opportunity to vote on this important nomination.

Mr. DOLE. Mr. President, on March 2, 43 Republican Senators signed a letter to the distinguished majority leader, Senator MITCHELL. This letter stated that we would:

> * * * object to any agreement * * * to proceed to the nomination of Ricki Tigert * * * until the Senate Banking Committee has an opportunity to thoroughly examine the Resolution Trust Corporation's handling of its civil investigation into Madison Guaranty Savings and loan.

Seven months later, this condition has not been met. The Banking Committee has not thoroughly examined the RTC's handling of its investigation into Madison. The Senate has not gotten to the bottom of Whitewater. We do not know whether RTC officials in Washington tried to muzzle the activities of the field investigators in Kansas City. Nor do we know why the Justice Department failed to act upon the RTC criminal referrals in an orderly and prompt fashion.

Quite simply, there are far more Whitewater questions today than there are answers.

In fact, the Senate has not even completed the very limited hearings called for by Senate Resolution 229, adopted last June after much debate. At the urging of Robert Riske, the Banking Committee has refrained from investigating one of the narrow subjects that we already agreed ought to be investigated—the removal of Whitewater documents from the office of the late Vincent Foster.

Mr. President, I intend to vote against cloture on this nomination. I signed a letter on March 2, and I intend to stick by it.

Let me just say that I have no reason to doubt Ms. Tigert's competence and integrity. Nor do I have any inside information as to whether she is, or is not, a close personal friend of the Clinton's as some have claimed. I know that my distinguished colleague from New York, Senator D'AMATO, has raised some troubling questions concerning whether White House officials improperly sought to dissuade Ms. Tigert from recusing herself from the Madison-Guaranty investigation. This issue of alleged White House pressure needs to be very closely examined.

The bottom line is that, if my colleagues on the other side of the aisle really wanted to see Ms. Tigert confirmed, they would have already allowed the Senate to proceed with full and unabridged hearings. No matter how hard they may try and no matter how much they may hope, Whitewater is not going to go away anytime soon.

The American people deserve a full accounting of Whitewater, and they will get it; maybe not this year, but perhaps in 1995.

Unfortunately, we witnessed a new phenomenon this past session: It's called taking the Fiske.

Taking the Fiske means abdicating our own oversight responsibilities by following the orders of an unelected bureaucrat. The American people have lost out as a result, and so, apparently, has Ricki Tigert.

Mr. President, I ask unanimous consent that the March 2 letter be reprinted in the RECORD immediately after my remarks.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, DC, March 2, 1994.

Hon. GEORGE J. MITCHELL,
U.S. Senate, Washington, DC.

DEAR MR. LEADER: We are writing to inform you that we will object to any agreement seeking consent to proceed to the nomination of Ricki R. Tigert, President Clinton's nominee to chair the Federal Deposit Insurance Corporation, until the Senate Banking Committee has an opportunity to thoroughly examine the Resolution Trust Corporation's handling of its civil investigation into Madison Guaranty Savings and Loan.

As you know, the Acting Chief Executive Officer of the RTC, Roger Altman, recently disclosed that he sought a meeting with White House officials to give them a "heads-up" on the RTC's investigation. Needless to say such a meeting is highly improper and raises very real questions about Mr. Altman's impartiality and the alleged independence of the investigation. Specifically, why were Harold Ickes and Margaret Williams present, in addition White House Counsel Bernard Nussbaum? According to the Washington Post, Mr. Ickes the Deputy Chief of Staff, is responsible for Whitewater "damage control". Ms. Williams, Chief of Staff for Mrs. Clinton, had previously participated with Mr. Nussbaum in searching Vincent Foster's office and sending all or some of the materials to David Kendall of Williams and Connally who is representing the President and Mrs. Clinton.

We believe public hearings are required to explore these and other questions involving the attendance of political operatives at the White House in briefings by the head of a supposedly independent agency on matters that have nothing to do with the Executive Office of the President.

We regret having to delay the Senate's consideration of Ms. Tigert's nomination. Nevertheless, the American people deserve to have confidence that the RTC conducts its important business in an independent and impartial fashion. A Congressional hearing is an appropriate forum in which to examine the important ethical and regulatory issues raised by the Altman-White House meeting.

Sincerely,

Alfonse D'Amato; Bob Dole; Malcom Wallop; Phil Gramm; Judd Gregg; Larry E. Craig; Trent Lott; Dan Coats; Connie Mack; Conrad Burns; John McCain; Robert F. Bennett; Kit Bond; Ted Stevens; Lauch Faircloth; Bob Packwood; Arlen Specter; John H. Chafee; Jim Jeffords; Al Simpson; Jesse Helms; Don Nickles; Mitch McConnell; Orrin Hatch; Strom Thurmond; Thad Cochran; Pete V. Domenici; Hank Brown; Frank H. Murkowski; Larry Pressler; Bill Roth; John Danforth; Chuck Grassley; Bill Cohen; Dave Durenberger; Slade Gorton; Richard G. Lugar; Bob Smith; Nancy Landon Kassebaum; John Warner; Dirk Kempthorne; Kay Bailey Hutchison.

Mr. RIEGLE. Mr. President, I yield the remaining time to the Senator from Tennessee [Mr. SASSER].

Mr. SASSER. Mr. President, Ricki Tigert is from my home State of Tennessee. She has compiled a distinguished career and will be a very able chairperson with the FDIC. She has bipartisan support.

Mr. President, the Federal Deposit Insurance Corporation is one of the most important agencies within the U.S. Government. It is charged with protecting the deposits of the millions of hardworking people of this country.

Despite this most important of missions, the FDIC has been without permanent leadership for 2 years now.

A year ago, the President nominated Ricki Tigert, of my home State of Tennessee, to be Chairwoman of the FDIC. I strongly urge my colleagues to support Ms. Tigert's nomination.

Ricki Tigert is extremely qualified to chair the FDIC. Ms. Tigert has a broad background in Government, having worked for both the executive and legislative branches. She is an internationally recognized expert on bank regulatory issues. She served 7 years as the chief international lawyer for the Federal Reserve Board.

In early February, Ms. Tigert's nomination was reported favorably by the Senate Banking Committee by a nearly unanimous vote of 18 to 1. I repeat the vote was 18 to 1.

Following the overwhelming committee vote, partisan politics took over. Ms. Tigert's nomination has been held up ever since, leaving the FDIC essentially in limbo.

The time has come to set partisan politics aside and to confirm Ms. Tigert. And Mr. President, I am not alone in this judgment.

Many distinguished Republicans outside this body have voiced their strong support for Ms. Tigert.

Beryl Sprinkel, the former head of Ronald Reagan's Council of Economic Advisers, has written in strong support of Ms. Tigert.

Along with other top Republican executive branch officials, Dr. Sprinkel wrote:

> She has had a distinguished career and is held in high esteem as an internationally recognized expert in banking law and regulation. She is committed to the complete independence and integrity of the bank regulatory process. Further, continuing to hold up a vote on her nomination does nobody any good, least of all the banking industry.

And the list of Ms. Tigert's supporters does not end there. Federal Reserve Board Chairman Alan Greenspan supports Ms. Tigert's nomination. Dr. Greenspan and I do not always agree but we both know that Ricki Tigert will make an excellent FDIC Chairwoman.

Why do all these past and present Republican officials support Ms. Tigert to head the FDIC? The answer is simple—because she is qualified.

It is in the best interests of the U.S. banking system to have a fully operational FDIC.

The banking industry realizes this. The Independent Bankers Association has strongly endorsed Ms. Tigert and expressed the importance it places on her confirmation.

Many leading bankers from my home State have written me personally to recommend swift confirmation.

It is time for the Senate to act. I urge my follow Senators on both sides of the aisle to put aside unrelated partisan issues and join me in supporting Ricki Tigert to be Chairwoman and board member of the Federal Deposit Insurance Corporation.

Mr. D'AMATO. Mr. President, I urge my colleagues to vote against cloture on the nomination of Ms. Ricki Tigert to chair the FDIC.

Mr. President, I had originally supported Ms. Tigert's nomination when it came out of the Banking Committee last spring. I had all intentions of supporting her on the floor, but recent developments have raised questions concerning her ability to chair the FDIC in an independent manner. Until these doubts are resolved, I cannot, in good conscience, support her nomination. Moreover, until she answers some questions about her independence and candor before the committee, I believe it is imprudent for the Senate to vote on the nomination.

Mr. President, the President needs to nominate, and the Senate needs to confirm, qualified candidates for these vital financial regulatory agencies—candidates in whom Congress and the American people can have total confidence. And the administration needs to restrain its penchant for attempting to interfere with the work and the decisions of supposedly independent agencies.

During the Whitewater hearings, the Banking Committee heard first-hand testimony under oath about improper communications between the White House and agency staff designed to influence ongoing law enforcement activities and investigations at independent agencies, and to interfere with agency decisions involving the private affairs of the Clintons. We have direct testimony, diaries and documents that provide incontrovertible evidence of unethical, if not illegal, conduct by overzealous political associates and friends of the Clinton's to control and influence the actions of agencies that Congress intended to be beyond the White House's political control and influence.

Mr. President, especially in light of the Banking Committee's recent Whitewater hearings and the shocking testimony and documentation of numerous improper meetings between Treasury officials and the White House, I am now skeptical that the FDIC could be independently headed by Ricki Tigert any more than the RTC was independently headed by Roger Altman. We learned from these hearings that she had contacts with White House and Treasury officials. But we have not had a chance to question her about these contacts and the committee should before the Senate is asked to vote on confirmation.

Mr. President, spokesman on her behalf have said there were no contacts or one contact, but she has said little publicly about the meetings. A member of the White House Counsel's Office said in a recent Wall Street Journal article that he had the one and only contact with Ms. Tigert. I doubt that this is the full extent of the contacts between the White House and Ms. Tigert; I believe there is evidence to the contrary. Roger Altman only admitted to one meeting until the committee pressed him for the truth.

Mr. President, with Ricki Tigert, we should have a chance to question her and she should have a chance to explain herself. Until then, I cannot support her. There are just too many doubts about whether or not she could carry out her duties and responsibilities as Chair of the FDIC independently and free of White House or Treasury interference.

Mr. President, I want to have confidence that the regulators will exercise independent judgment. I want to have confidence that issues will not be decided based on politics or personal relationships. I want every issue decided on the facts and the merits. We can not afford to have regulators who are, or even appear to be, susceptible to undue political influence. And this is a standard that I want followed by every regulator and in every administration, no matter which party controls the White House or the Congress.

Mr. President, for these reasons, I have changed my position on the nomination of Ms. Tigert to Chair the FDIC. I voted for confirmation in February. But I strenuously oppose her confirmation today. If confirmed as FDIC Chair, Ms. Tigert would preside over an agency that is already investigating Madison and the Rose Law Firm. At our recent Whitewater hearings, the former White House Counsel and others referenced her name in discussing Roger Altman's recusal. At a minimum the committee needs to investigate these references further before her nomination is considered.

Mr. President, I am forced to conclude that it would be imprudent for the Senate to consider Ms. Tigert's nomination. Despite her considerable qualifications, I do not believe she should be confirmed by the Senate for this position. I have a much more extensive statement detailing and documenting the reasons for my opposition to Ms. Tigert's confirmation.

A vote on cloture is scheduled for 6 o'clock so I will not read the statement. If cloture is invoked, I will use all of the time I am allowed to review the record for my colleagues.

Mr. DODD. Mr. President, on November 16, 1993—almost 1 year ago—Ricki Tigert was nominated by the President for Chairwoman of the Federal Deposit Insurance Corporation. The Senate Banking Committee held her nomination hearing on February 1, 1994. The hearing was basically pro forma. It lasted just over 2 hours and included two other FDIC nominees. On February 10, 1994, by a vote of 17 to 1, the Senate Banking Committee voted to confirm her.

That was 8 months ago. But today, Ricki Tigert has yet to be confirmed. The Nation's main bank regulator and insurer, the FDIC, remains a leaderless agency. Why?

Because, Mr. President, Ricki Tigert's confirmation has been blocked. It has been held up for almost 8 months. It has been obstructed for one reason and one reason alone.

It has nothing to do with her qualifications—she has extraordinary experience and impressive credentials. It has nothing to do with her views on matters of substance. It has nothing to do with ongoing disputes over policy. Ricki Tigert's confirmation is being blocked simply so some can attempt to score political points hashing and rehashing tired issues related to the Whitewater matter.

The delay of Ricki Tigert's nomination is all about unvarnished partisan politics. According to some of my colleagues, Ricki Tigert is not a suitable candidate for the FDIC because she knows President Clinton. Their rationale is that because the FDIC is probing issues related to the Whitewater/Madison Guarantee, she would, as Chairwoman, somehow attempt to use the power of her office to influence matters to benefit the Clintons. This is simply preposterous.

Mr. Chairman, this is a troubling new standard to which Ricki Tigert is being held. This standard would preclude anyone who has a preexisting relationship with a President or First Lady from serving in an appointed position. By itself, Ricki Tigert's relationship with the Clintons, whether close or distant, should not disqualify her from serving on the FDIC Board or in any other position for that matter.

Just because she is acquainted with the President and the First Lady, does not mean she is unable to serve impartially as FDIC Chairwoman. But just to be absolutely certain, Ricki Tigert recused herself in February from "Participation in any * * * investigation, inquiry, or determination" involving the Clintons.

Mr. President, this partisan delay has gone on long enough. There is absolutely no rational reason why Ricki Tigert should not be confirmed. I strongly urge my colleagues to invoke cloture and vote to confirm Ricki Tigert as the next Chairperson of the FDIC.

Mrs. BOXER. Mr. President, it is time to move this nomination forward. No more partisan delays. No more gridlock. Ricki Tigert—the first woman ever nominated to head a major U.S. bank regulatory agency—is smart, she is independent, and she is qualified. It is time for the Senate to approve her nomination to head the FDIC.

Ricki Tigert graduated magna cum laude from Vanderbilt University and is an honor's graduate from University of Chicago Law School, where she was a member of the law review.

Ricki Tigert worked on banking and finance issues in the public sector for over 10 years: first, as Senior Counsel for International Finance at the Department of Treasury, and more recently as Associate General Counsel for International Banking at the Federal Reserve.

Ricki Tigert taught international finance at Georgetown University Law Center and has published numerous articles on international banking and finance issues. Since October 1992, Tigert has been a partner at a major Washington, DC, law firm.

Ricki Tigert is without question qualified to head the FDIC. She has gone through an exhaustive confirmation process—in fact, the Banking Committee voted 18 to 1 to recommend her confirmation. Senator D'AMATO said during Tigert's confirmation hearing that:

> I had an opportunity to speak with the nominee. I met with her. I think we're indeed fortunate that she's someone who has the experience. She indicates to me that, notwithstanding any personal relations she may have with people in the Administration she feels and has indicated that she will be independent. That is very, very important. I'm impressed by her sincerity. So I intend to support the nominee.

But, let me say: This debate is not about Ricki Tigert's qualifications. No, this debate is about whether Ms. Tigert is or is not a friend of the Clintons.

So, let's look at the facts: Ricki Tigert has never met privately with either the President or the First Lady. She has never talked on the phone with either the President or the First Lady. Her only real contact with them has been in large public gatherings—in fact, she has never been with either of the Clintons with fewer than 200 other people!

In a letter to the Wall Street Journal, three well respected Republicans who held positions in the Reagan and Bush administrations, said that Tigert

is "committed to the complete independence and integrity of the bank regulatory process * * *. The notion that she is a Clinton 'crony' is a canard."

And, in case there was any question, Ms. Tigert has recused herself from any investigation, inquiry, or determination concerning the President or the First Lady.

So, I say: It is time to stop this partisan effort to stop this nomination. The FDIC has been without a permanent Chairperson since August 1992—over 2 years! Americans who have placed their hard-earned savings in banks across this country rely on the FDIC to insure their deposits. Those who are playing politics with the Tigert nomination are playing politics with the safety of the savings of the American people.

In the last week of this Congress, let us set aside partisan politics for a moment. Let us vote to confirm a woman who is extremely qualified and ready to serve. It is in the best interest of our banking industry and it is in the best interest of the American people.

The PRESIDING OFFICER. All time has expired.

CLOTURE MOTION

The ACTING PRESIDENT pro tempore. Under the previous order, the hour of 6 p.m. having arrived, the clerk will report the motion to invoke cloture.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close the debate on the nomination of Ricki Rhodarmer Tigert to be a member of the Board of Directors of the Federal Deposit Insurance Corporation:

Byron L. Dorgan, J. Lieberman, Patty Murray, Wendell Ford, Daniel Patrick Moynihan, Pat Leahy, George Mitchell, Paul Sarbanes, Harry Reid, Don Riegle, Harlan Mathews, John F. Kerry, Frank R. Lautenberg, John Glenn, Dennis DeConcini, Christopher Dodd.

CALL OF THE ROLL

The ACTING PRESIDENT pro tempore. Pursuant to rule XXII, the Chair now directs the clerk to call the roll to ascertain the presence of a quorum.

The legislative clerk called the roll, and the following Senators answered to their names:

[Quorum No. 6]

Bennett	Dole	Mitchell
Bradley	Domenici	Murray
Campbell	Faircloth	Pressler
Chafee	Feingold	Riegle
Cochran	Ford	Sarbanes
Cohen	Gramm, Texas	Sasser
Coverdell	Helms	Simon
D'Amato	Kassebaum	Wellstone
Daschle	Mack	

The PRESIDING OFFICER (Mr. FEINGOLD). A quorum is not present.

Mr. MITCHELL. Mr. President, I move to instruct the Sergeant at Arms to request the presence of absent Senators.

I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion.

The clerk will call the roll.

Mr. SIMPSON. I announce that the Senator from Missouri [Mr. BOND], the Senator from Delaware [Mr. ROTH], the Senator from Pennsylvania [Mr. SPECTER], the Senator from Alaska [Mr. STEVENS], and the Senator from Wyoming [Mr. WALLOP] are necessarily absent.

The result was announced—yeas 76, nays 19, as follows:

[Rollcall Vote No. 315 Ex.]

YEAS—76

Akaka	Feinstein	Mathews
Baucus	Ford	Metzenbaum
Biden	Glenn	Mikulski
Bingaman	Gorton	Mitchell
Boren	Graham	Moseley-Braun
Boxer	Gregg	Moynihan
Bradley	Harkin	Murray
Breaux	Hatch	Nunn
Bryan	Hatfield	Packwood
Bumpers	Heflin	Pell
Byrd	Hollings	Pryor
Campbell	Hutchison	Reid
Chafee	Inouye	Riegle
Cochran	Jeffords	Robb
Cohen	Johnston	Rockefeller
Conrad	Kassebaum	Sarbanes
Danforth	Kempthorne	Sasser
Daschle	Kennedy	Shelby
DeConcini	Kerrey	Simon
Dodd	Kerry	Simpson
Dole	Kohl	Thurmond
Domenici	Lautenberg	Warner
Dorgan	Leahy	Wellstone
Durenberger	Levin	Wofford
Exon	Lieberman	
Feingold	Lugar	

NAYS—19

Bennett	Faircloth	McConnell
Brown	Gramm	Murkowski
Burns	Grassley	Nickles
Coats	Helms	Pressler
Coverdell	Lott	Smith
Craig	Mack	
D'Amato	McCain	

NOT VOTING—5

Bond	Specter	Wallop
Roth	Stevens	

So the motion was agreed to.

The PRESIDING OFFICER. A quorum is present.

VOTE

The PRESIDING OFFICER. The question is, Is it the sense of the Senate that debate on the nomination of Ricki Rhodarmer Tigert, of Tennessee, to be a member of the Board of Directors of the Federal Deposit Insurance Corporation, for a term of 6 years, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll:

The legislative clerk called the roll.

Mr. SIMPSON. I announce that the Senator from Missouri [Mr. BOND], the Senator from Delaware [Mr. ROTH], the Senator from Pennsylvania [Mr. SPECTER], the Senator from Alaska [Mr. STEVENS], and the Senator from Wyoming [Mr. WALLOP] are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The yeas and nays resulted—yeas 63, nays 32, as follows:

[Rollcall Vote No. 316 Ex.]

YEAS—63

Akaka	Exon	Mathews
Baucus	Feingold	Metzenbaum
Biden	Feinstein	Mikulski
Bingaman	Ford	Mitchell
Boren	Glenn	Moseley-Braun
Boxer	Graham	Moynihan
Bradley	Harkin	Murray
Breaux	Hatfield	Nunn
Bryan	Heflin	Packwood
Bumpers	Hollings	Pell
Burns	Inouye	Pryor
Byrd	Jeffords	Reid
Campbell	Johnston	Riegle
Cohen	Kennedy	Robb
Conrad	Kerrey	Rockefeller
Danforth	Kerry	Sarbanes
Daschle	Kohl	Sasser
DeConcini	Lautenberg	Shelby
Dodd	Leahy	Simon
Dorgan	Levin	Wellstone
Durenberger	Lieberman	Wofford

NAYS—32

Bennett	Gorton	Mack
Brown	Gramm	McCain
Chafee	Grassley	McConnell
Coats	Gregg	Murkowski
Cochran	Hatch	Nickles
Coverdell	Helms	Pressler
Craig	Hutchison	Simpson
D'Amato	Kassebaum	Smith
Dole	Kempthorne	Thurmond
Domenici	Lott	Warner
Faircloth	Lugar	

NOT VOTING—5

Bond	Specter	Wallop
Roth	Stevens	

The PRESIDING OFFICER. On this vote, the yeas are 63, the nays are 32. Three-fifths of the Senators duly chosen and sworn having voted in affirmative, the motion is agreed to.

EXECUTIVE SESSION

The PRESIDING OFFICER. The nomination will be stated.

FEDERAL DEPOSIT INSURANCE CORPORATION

The bill clerk read the nomination of Ricki Rhodarmer Tigert, of Tennessee, to be a member of the Board of Directors.

Mr. RIEGLE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. MATHEWS). Without objection, it is so ordered.

UNANIMOUS-CONSENT AGREEMENT

Mr. MITCHELL. Mr. President, I ask unanimous consent that, notwithstanding the provisions of rule XXII, the Senate proceed to consideration of Executive Calendar No. 1126, H. Lee Sarokin to be a U. S. circuit judge, at 9 a.m. on Tuesday, October 4; that there be 1 hour for debate equally divided between the chairman and ranking member of the Committee on the Judiciary, or their designees; that at 10 a.m., the Senate vote on Executive Calendar No. 692, the nomination of Ricki Tigert to be a member of the Federal Deposit Insurance Corporation, notwithstanding rule 12, paragraph 4. I further request that if the nomination is confirmed, the motion to reconsider be tabled, the President be notified of the Senate's action, the Senate proceed to the immediate consideration of the following nominations en bloc: Ricki Tigert to be Chairperson of the FDIC, (Ex. Cal. 693); Andrew Hove to be a Member of the FDIC, (Ex. Cal. 694), and Andrew Hove to be Vice Chairperson of the FDIC (Ex. Cal. 695); that they be considered as having been confirmed, en bloc, that the motions to reconsider be tabled, en bloc, and that the President be notified of the Senate's action; further, that the cloture vote on the nomination of Ricki Tigert to be Chairperson of the FDIC be vitiated; and further, that following disposition of the FDIC nominations, the Senate vote without any intervening action, on cloture on the nomination of H. Lee Sarokin, with the live quorum waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. MITCHELL. Mr. President, I thank my colleagues for their cooperation, beginning, of course, with the distinguished Republican leader and all of those Senators who have an interest in both of these matters.

Pursuant to the agreement just approved, the Senate will vote at 10 a.m. tomorrow on the nomination of Ricki Tigert to be a Member of the FDIC. If the nomination is confirmed, the Senate will approve, pursuant to this order, the nominations of Ricki Tigert to be Chairperson, Andrew Hove to be a Member and Vice Chairperson of the FDIC; and then, immediately following that, the Senate will vote on cloture on the nomination of H. Lee Sarokin to be a U. S. circuit judge.

In light of this agreement, there will be no further rollcall votes this evening.

There will be two votes tomorrow morning, the first to occur at 10 a.m. and the second to occur shortly after completion of the first vote.

LEGISLATIVE SESSION

Mr. MITCHELL. Mr. President, I ask unanimous consent the Senate return to legislative business.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. MITCHELL. Mr. President, I ask unanimous consent there be a period for morning business with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Massachusetts.

JERRY TINKER—A MAN WHO MADE A DIFFERENCE

Mr. KENNEDY. Mr. President, all of us in Congress who knew Jerry Tinker and worked with him over the years continue to be saddened by his sudden and untimely death last month. As staff director for many years for the Senate Judiciary Committee's Subcommittee on Immigration and Refugee Affairs, Jerry dedicated his life to helping the world's refugees. Wherever tragedy and disaster struck, Jerry was not far behind, and his efforts and leadership brought help and hope to literally millions of people throughout the world.

One of the most eloquent tributes to Jerry's unusual life and extraordinary career appeared in the Boston Globe on September 25. This tribute, by Eileen McNarama, captures the essence of Jerry's commitment and his many achievements. I know it will be of interest to all of us who knew Jerry and to many others in Congress as well, and I ask unanimous consent that it may be printed in the RECORD.

There being no objection, the tribute was ordered to be printed in the RECORD, as follows:

[From the Boston Globe, Sept. 25, 1994]

"A MAN WHO MADE A DIFFERENCE—OUT OF THE LIMELIGHT, JERRY TINKER HELPED SAVE PEOPLE'S LIVES"

(By Eileen McNamara)

Among the week's bold and urgent headlines about Haitian juntas and American off-year elections, one might easily have missed the brief item in The New York Times, noting the death Sept. 16 of "Jerry M. Tinker, 55, Senate Staff Official."

It was sadly apt that his passing should occur as the nation again wrestled with the nature and extent of its obligation to refugees pouring off yet another strife-torn patch of Earth. It was of such desperate dilemmas that Jerry Tinker's life was made.

The obituary's short summary of his public biography—staff director of the Subcommittee on Immigration and Refugee Affairs, aide to Sen. Edward M. Kennedy—suggests the lot of a political functionary, a career spent in the warrens of Capitol Hill, in anonymous service to a more famous man.

But the larger truth was that in the quarter-century Jerry Tinker toiled for the United States Congress, he worked, however anonymously, less for the senior senator from Massachusetts than for the dispossessed of the world.

His conscience, as much as his job, took him to Vietnam and Cambodia, to Managua and San Salvador, to the border of Pakistan and Afghanistan, to Mozambique and South Africa, to Dhaka and Port-au-Prince. The stamps on his passport were signposts to some of the world's most desolate corners, where the refuse was human and the suffering relentless.

It is fashionable in this cynical era to portray those in government as venal, self-serving leeches on the public dole. Certainly, no-show jobs and patronage appointments are real enough on Capitol Hill. And not a few of the 3,620 staffers assigned to those ever-expanding congressional committees are as devoted to serving their careers as their country.

"Some staffers on the Hill have as their whole purpose in life keeping things stirred up," Sen. Alan Simpson (R-Wyo.) said. "They get up in the morning to screw Democrats or screw Republicans. I know enough of them on both sides. They are a blight on the body politic. But Jerry was another breed."

Tinker found his mission early, as a graduate student in India. Once he had seen the misery in the slums of Clacutta, his colleagues said, he insisted the rest of the world see it, too.

"He believed so strongly in our actually seeking these places," recalled Dick Day, who came to Washington "for a year" 16 years ago to help out Simpson, his old Cody, Wyo., law buddy. He stayed on as Tinker's Republican counterpart on the subcommittee staff. "Jerry's feeling was that we couldn't effectively make the case for aid to these places without being there and bringing that sense of urgency back to the Hill.

Simpson himself remembered Tinker and Day heading off to Bangladesh or Thailand while "other people around here only wanted to go to Geneva."

In his eulogy Tuesday in a suburban Washington church packed with the nameless congressional staffers who do the spade work of this democracy, Kennedy reminded the crowd of the tan safari suit that constituted Tinker's entire traveling wardrobe. "The suit could stand up to day after day of rugged wear in the Horn of Africa or the remotest areas in Indochina." he said. "Jerry liked to joke that NASA had once approached him in search of a new fabric for spacesuits for shuttle astronauts. The safari suit, like Jerry, was comfortable in the most destitute refugee camps in the world, and equally at home in the highest corridors of power in Washington."

As the chairmanship of the subcommittee shifted from Kennedy to Simpson and back again, Tinker and Day forged a friendship and helped foster an increasingly rare spirit of bipartisanship on immigration and refugee matters, issues potentially as divisive as crime and health care.

"Democrats often thought I was eating out of Al Simpson's hand, and Republicans felt that Al was eating out of mine. But both of us knew that Jerry was the master chef," Kennedy said.

"He was not a zealot. He could bend. I trusted him implicitly," Simpson said. "How many Democratic staffers do you think I say that about?"

Though his loyalty to Kennedy was fierce—he neither told nor tolerated jokes at his boss' expense, according to friends—Tinker was following a deeper imperative than politics.

When a British television crew broadcast the first reports out of Ethiopia of mass starvation in 1984, Tinker packed and urged Kennedy to do so, too. Other Kennedy staffers exploited the obvious public relations value of their boss being photographed feeding starving children on Christmas morning; Tinker harbored a broader policy goal. The United States was not yet engaged in the famine crisis; Kennedy's presence could make a difference.

On the outskirts of the refugee camp in Mekelle, the air was acrid with the smoke of a thousand small campfires and the stench of death. A shaken Tinker described the scene as "vintage fifth century," but he did not indulge his emotions. He took notes, instead. The vaccine for measles, a disease claiming the lives of those children who managed somehow to survive starvation, was arriving unrefrigerated and therefore useless. Instead of fortified and processed grain, donor nations were shipping whole grain, indigestible for a population so weakened by famine conditions. Antibiotics shipped ahead of food were of no use to infants whose muscles were so wasted by malnutrition that there was no tissue sufficient to receive an injection.

It was Tinker who led Kennedy away from network news crews north to the border with Sudan, where his notebook again recorded the failures of the relief effort. The first US transport plane had carried water containers but no water, tents but no food. At what he took to be a feeding center, Tinker watched incredulously as relief workers distributed 6,000 pairs o purple trousers to the famished. And at an especially desperate encampment at the base of the Tukl Baab Mountains, Tinker found that some shortages were almost too poignant to bear. As he watched the skeletal figures of starving refugees scratching shallow graves for their loved ones in the desert sand, he made a note: There were no shovels to bury the dead.

The need is nothing if not more pressing than it was when Jerry Tinker began his work 25 years ago. In the aftermath of the Cold War, it sometimes seems the world is hemorrhaging refugees. The International Rescue Committee, a voluntary agency assisting the displaced worldwide, estimates that the refugee population now exceeds 18 million.

In the Balkans, in Africa, in the former Soviet Union, in Central America, in the Caribbean, hundreds of thousands of anonymous victims of war and natural disaster cannot know how much they will miss the anonymous man from Capitol Hill in the drip-dry safari suit.

INTELLIGENCE AUTHORIZATION ACT

Mr. LEAHY. Mr. President, I commend Senator DECONCINI and Congressman GLICKMAN for the outstanding work they have done in connection with the Intelligence authorization bill and all of their duties as the respective chairs of the Senate and House Intelligence Committees. As always, they have been resourceful and diligent in crafting a bill that contains many authorizing and remedial measures that are needed to improve our Government's intelligence activities.

Having reviewed the conference report, however, I believe that we will need to reexamine the provisions in section 807 of the bill establishing a court order process for physical searches undertaken for foreign intelligence purposes. We are being called upon to establish such procedures for the first time in order to regularize what has often been referred to in the past as "black bag jobs."

While I support the effort to subject physical searches to legal standards and judicial review, I remain concerned that we have not created the set of rules and procedures we need to protect our own constitutional rights and privileges. When the Senate first considered this measure I noted my concern. It appears to me that the conference both improved and created new problems with these important provisions for physical searches.

I appreciate the efforts Senator BIDEN and Senator DECONCINI have made and the modifications we have worked on that are included in the bill to tighten the minimization requirements. These are important steps in the right direction. I am most encouraged by the additions to the procedures that allow a court to disclose some matters or to require summaries of key materials for aggrieved parties. But I think we can do better still. We must find better ways to limit secrecy to that necessary while providing the notice and fair opportunity for hearing that fundamental fairness requires for U. S. persons. We need to build in more accountability and better judicial and congressional review. We should not risk the constitutional rights that this country stands for and that our intelligence activities are intended to protect.

I understand that Senator DECONCINI noted in the course of the conference that the procedures established by this bill should be reexamined by the Judiciary Committee next year. I hope that we do that because this year there was no opportunity for it.

I look forward to working with my colleagues in the days ahead to reexamine the procedures being established to govern physical searches in an effort to improve them and build upon them.

GATT

Mr. LEAHY. Mr. President, after careful review, I have concluded that the legislation implementing the Uruguay round of the General Agreement on Tariffs and Trade [GATT] is fatally flawed, It is flawed not for what it does, but for what it fails to do. It fails to provide fair rules for our dairy exports. It fails to protect U.S. intellectual property rights around the world. And it fails to safeguard America's standard of living by supporting our absolute right to a clean environment, a safe food supply, and sound labor practices.

I believe in free trade. Last November, I voted for the North American Free-Trade Agreement [NAFTA]. And NAFTA has been an overwhelming success across the country and in my home State of Vermont. In the first 3 months since NAFTA went into effect, United States exports to Mexico jumped 15 percent and Vermont exports to Mexico skyrocketed 83 percent from a year ago. NAFTA has been an economic boon to Vermonters, opening up markets and spurring Vermont exporters to add more high-quality jobs to their payrolls.

But GATT is not NAFTA. These two agreements are completely different animals. NAFTA proves that we can do better than GATT. NAFTA included intellectual property rights for U.S. products. And NAFTA included side agreements on labor and environmental issues. GATT fails to include any of these provisions.

Overall, GATT is not good for dairy. We will export fewer dairy products and import more subsidized dairy products under this agreement. I am unwilling to expose Vermont dairy farms to these risks. Senator JEFFORDS and I tried to work with the administration to provide U.S. milk producers with the tools they need to be successful in a post-GATT world. For whatever reason, the administration was unwilling to work with us and the dairy industry. An agreement that does not provide increased access to foreign markets for Vermont dairy farmers is not free trade for Vermont.

When United States officials went to Geneva to finish GATT negotiations last year, we had every reason to believe that the final agreement would eliminate many trade barriers that confront America's intellectual property creators and industries. But the U.S. negotiators were out-maneuvered. The European Union resisted free trade in the name of culture and succeeded in keeping their protectionist barriers for movies, TV shows, and other entertainment products. Although GATT does provide much-needed relief for our creators of computer software, its failure to include national treatment leaves other with precious little.

This agreement, unlike NAFTA, does not adequately address labor, environmental and food safety concerns. In today's global economy, the interaction between trade and these issues cannot be ignored. We can never ask U.S. citizens to jeopardize their standard of living in the name of free trade. Unfortunately, GATT moves away from the crucial link between trade and the labor, environment and food safety issues that we fought so hard to forge in NAFTA. I cannot support this trend.

I have supported President Clinton on many important issues since his election. I hailed his leadership on issues like NAFTA, health care reform and the crime bill. But I cannot support the President's position in favor of GATT. We can do better than this agreement.

IS CONGRESS IRRESPONSIBLE? YOU BE THE JUDGE OF THAT

Mr. HELMS. Mr. President, anyone even remotely familiar with the U.S. Constitution knows that no President can spend a dime of Federal tax money that has not first been authorized and appropriated by Congress—both the House of Representatives and the U.S. Senate.

So when you hear a politician or an editor or a commentator declare that "Reagan ran up the Federal debt" or that "Bush ran it up," bear in mind that it was, and is, the constitutional duty and responsibility of Congress to control Federal spending. Congress has failed miserably in that task for about 50 years.

The fiscal irresponsibility of Congress has created a Federal debt which stood at $4,692,749,910,013.32 as of the close of business Friday, September 30. Averaged out, every man, woman, and child in America owes a share of this massive debt, and that per capita share is $17,999.82.

THE FEDERAL GOVERNMENT AND OSHA

Mr. FORD. Mr. President, the Occupational Safety and Health Act of 1970 (29 United States Code 655–59) was intended to protect employees from personal injury and illness resulting from work situations. One section (29 United States Code 652(5)) exempts the Federal Government but makes it the responsibility of each Federal agency to establish and maintain an effective and comprehensive occupational and health program which is consistent with the national standards established by the Secretary of Labor.

Pursuant to this provision in the act, an Executive order (E.O. 12,196 1–102) directs the Secretary of Labor to consult with all agency heads in the legislative and judicial branches to assist them in developing a safety and health program consistent with the above standards.

The Rules Committee, on June 18, 1993, directed the Architect of the Capitol to consult with the Secretary of Labor and develop a safety and health program, consistent with the national standards, for implementation in the Senate wing of the Capitol and Senate office buildings. The Architect has completed that task and has submitted a plan for compliance with OSHA to the Rules Committee.

That action was taken without a new bureaucracy. Without fanfare. Without unnecessary cost, and without extra burden on Member offices.

Mr. President, I simply want this body to know that this committee has been active in this area for some time.

And, finally, Mr. President, we are complying with the same statute as the private sector.

I ask unanimous consent that the correspondence on this subject be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE, COMMITTEE ON
RULES AND ADMINISTRATION,
Washington, DC, June 18, 1993.

Hon. GEORGE WHITE,
Architect of the Capitol,
Washington, DC.

DEAR GEORGE: The Occupational Safety and Health Act of 1970 (29 USC 655–59) was intended to protect employees from personal injury and illness resulting from work situations. One section (29 USC 652(5)) exempts the Federal government but makes it "the responsibility of each Federal agency to establish and maintain an effective and comprehensive occupational and health program which is consistent" with the national standards established by the Secretary of Labor.

Pursuant to this provision in the Act, an Executive Order (E.O. 12,196 1–102) directs the Secretary of Labor to consult with all agency heads in the legislative and judicial branches to assist them in developing a safety and health program consistent with the above standards.

Under these provisions, we are directing you to consult with the Secretary of Labor and develop a safety and health program, consistent with the national standards, for implementation in the Senate wing of the Capitol and Senate office buildings. Please keep this Committee apprised of your progress on this project.

The program, when fully developed, should be submitted to the Committee on Rules and Administration for approval.

Sincerely,

TED STEVENS,
Ranking Member.
WENDELL H. FORD,
Chairman.

Washington, DC, September 29, 1994.

Hon. WENDELL H. FORD,
Chairman, Committee on Rules and Administration, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: In accordance with the directive in your letter of June 30, 1993 to develop a safety and health program for implementation in the Senate Office Buildings and the Senate wing of the Capitol, we consulted with Mr. John Plummer, Director of OSHA Federal Programs in the Office of the Assistant Secretary for Occupational Safety and Health, beginning on June 20, 1994. As represented by the letter of September 7, from Assistant Secretary Joseph A. Dear, their staff has provided assistance to our staff in preparing a program specifically tailored for office occupancy.

Attached is a draft of an Occupational Safety and Health Program (OSHP) that establishes goals and responsibilities of the various entities involved. The Architect of the Capitol will serve as lead in this endeavor but it shall be the responsibility of each office to implement and oversight the Program for the members of their work force. The various support agencies in the Legislative Branch will respond to requests by each office to modify, correct, or improve the work environment in each office, as required.

The attached pamphlet titled "Office Safety Program" is an integral part of the Program statement and serves to identify specific hazards that relate to office occupancies. Most of these are common sense items and will assist the office manager in preventing accidents and improve safety in the office environment.

I shall of course, be happy to discuss the implementation of this Program in further detail as you may deem desirable.

Cordially,

GEORGE M. WHITE, FAIA,
Architect of the Capitol.

OCCUPATIONAL SAFETY AND HEALTH PROGRAM FOR CONGRESSIONAL EMPLOYEES

PURPOSE

The purpose of this Occupational Safety and Health Program (OSHP) is to insure that Members, Officers and employees of the House and Senate, employees of the Office of the Architect of the Capitol and legislative support offices in the Capitol Complex, and the visiting public are provided with a safe environment in which to work or visit that is free from recognized hazards that may cause serious physical harm.

The physical features of the Legislative group of buildings and facilities that affect safety of occupants are the responsibility of the Architect of the Capitol (AOC). The Director of Engineering (AOC) has the day to day responsibility for supervising the Fire Protection Engineering and the Safety Engineering Divisions in carrying out the fire protection and safety programs. The Director of Engineering serves as the Designated Agency Safety and Health Officer (DASHO) for the Architect of the Capitol. The Director of Engineering provides the Architect of the Capitol with recommendations relative to meeting or exceeding typical occupational safety and health requirements. Recommendations are drawn from nationally recognized sources such as the Occupational Safety and Health Administration; the Environmental Protection Agency; the National Fire Protection Association's standards; consensus model building, mechanical electrical, plumbing and fire prevention codes; and from other available occupational safety and health rules, regulations, and standards.

DIRECTION

The goals of the OSHP are to effectively and comprehensively:

1. Reduce potential exposure to unsafe acts and unsafe conditions.
2. Reduce the numbers and severity of Lost-Time and No-Lost-Time occupational illnesses and injuries.
3. Conduct routine, periodic inspections with multi-level administrative reviews.
4. Assure prompt abatement of identified hazards.
5. Assure that workers should not fear reprisal for the reporting of unsafe acts or conditions in the workplace.
6. Provide related training.
7. Minimize the disruption of on-going activities within the Capitol Complex.

The top priority of this program is to reduce or eliminate life-threatening situations. The basic tenets of the OSHP are built into the design, renovation and construction of all physical assets, are considered in all operations and processes, and are utilized at all other points of intervention were unsafe acts and unsafe conditions increase the potential for unacceptable risk. Wherever and whenever possible, personnel are provided with the proper tools, equipment and training in order to accomplish their organizational goals and objectives without undue risk. Safety shall take precedence over expediency and short cuts at all times.

RESPONSIBILITIES

It shall be the responsibility of the Architect of the Capitol, through the Director of

Engineering (the DASHO) and the Fire Protection Engineering and Safety Engineering Divisions, to research, develop, and publish safety standards and guidelines, and monitor compliance with the OSHP.

It shall be the responsibility of Members, Officers of the Congress, Building Superintendent Supervising Engineers and other personnel of similar responsibility to provide overall guidance and direction to their work forces. Each office should delegate oversight responsibility to a specific individual to maintain awareness on matters relating to health and safety.

It shall be the responsibility of the first-line supervisors to implement the OSHP for the members of their work force. It is also the responsibility of the first-line supervisors to provide feedback concerning the OSHP to the administrators having jurisdiction.

It shall be the responsibility of each worker to follow the OSHP, to be aware of unsafe acts and unsafe conditions, to report same to their first-line supervisor, and to be responsible for their own actions and conduct.

PROGRAMMATIC ELEMENTS

The following details the elements of the program that are currently in effect:

1. An on-going "spot" inspection program of high hazard work areas.

2. Posting of occupational injury and illness data on the OSHA 200 Log in order to meet the intent of regulations and serve as basis for statistical analysis.

3. Accident investigations based upon accident severity and operational impact.

4 An on-going inspection program of all construction being done by either in-house or contractor personnel.

5. A Hazardous Waste disposal program.

6. An on-going program for the monitoring of asbestos abatement activities, including the proper disposal of the waste by-products, the operation of a laboratory for analyzing samples, and the monitoring of asbestos in good physical condition that is prioritized to be left-in place.

7. The installation of state-of-the-art fire detection and alarm systems and fire sprinkler systems.

8. The training of new U.S. Capitol Police officers in their operational responsibilities during fire and medical emergencies, in the fire department's basic operational procedures, in basic first-aid fire fighting techniques, in basic building fire protection concepts and in building emergency evacuation techniques.

9. The operation of a Medical Surveillance Program for those workers in high hazard occupations.

10. The publishing of a monthly safety newsletter.

11. A program of maintaining the job proficiency of safety personnel through the use of current and topical trade periodicals.

12. An Indoor Air Quality program.

13. A Lead in Drinking Water control program.

The attached pamphlet provides guidance in how to improve safety in the office environment.

U.S. DEPARTMENT OF LABOR, ASSISTANT SECRETARY FOR OCCUPATIONAL SAFETY AND HEALTH,
WASHINGTON, DC,
September 7, 1994.

Hon. GEORGE M. WHITE,
Architect of the Capitol, U.S. Capitol Building, Washington, DC.

DEAR MR. WHITE: At your request, staff from the Office of Federal Agency Programs in the Occupational Safety and Health Administration (OSHA) have met frequently with your staff over the past months. The purpose of these meetings was to provide guidance and assistance in the development of the occupational safety and health program you are implementing in the Senate wing of the Capitol and Senate office buildings.

The following assistance was provided:

1. Training on safety and health hazards in the office was given by a Federal Agency Program staff member to the head and two staff members of your Safety Division.

2. Information on sources of training was given to the head of the Safety Division. This information included the OSHA Training Institute schedule as well as information from the National Safety Council and the American Society of Safety Engineers.

3. An annotated safety and health program was provided to the head of the Safety Division. Annotations were made to indicate those facets of the model safety and health program which should be implemented first. (The other facets of the model program should, of course, also be implemented.)

4. OSHA also provided a "baseline questionnaire," an instrument to use as a self-assessment of the state of development of your occupational safety and health program. This was given to J. Raymond Carroll, your Director of Engineering.

5. The option of a walk-through of the offices of the Senate wing of the Capitol and the Senate office buildings was given to the head of the Safety Division. It was decided that a walk-through would not be done at this time.

We are pleased that we were able to respond to your request.

Sincerely,

JOSEPH A. DEAR,
Assistant Secretary.

UNITED STATES-MEXICO BORDER HEALTH COMMISSION ACT

The text of the bill (S. 1225) to authorize and encourage the President to conclude an agreement with Mexico to establish a United States-Mexico Border Health Commission, as passed by the Senate on September 30, 1994, is as follows:

S. 1225

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "United States-Mexico Border Health Commission Act".

SEC. 2. ESTABLISHMENT OF BORDER HEALTH COMMISSION.

The President is authorized and encouraged to conclude an agreement with Mexico to establish a binational commission to be known as the United States-Mexico Border Health Commission.

SEC. 3. DUTIES.

It should be the duty of the Commission—

(1) to conduct a comprehensive needs assessment in the United States-Mexico Border Area for the purposes of identifying, evaluating, preventing, and resolving health problems and potential health problems that affect the general population of the area;

(2) to implement the actions recommended by the needs assessment through—

(A) assisting in the coordination and implementation of the efforts of public and private entities to prevent and resolve such health problems, and

(B) assisting in the coordination and implementation of efforts of public and private entities to educate such population, in a culturally competent manner, concerning such health problems; and

(3) to formulate recommendations to the Governments of the United States and Mexico concerning a fair and reasonable method by which the government of one country could reimburse a public or private entity in the other country for the cost of a health care service that the entity furnishes to a citizen of the first country who is unable, through insurance or otherwise, to pay for the service.

SEC. 4. OTHER AUTHORIZED FUNCTIONS.

In addition to the duties described in section 3, the Commission should be authorized to perform the following functions as the Commission determines to be appropriate—

(1) to conduct or support investigations, research, or studies designed to identify, study, and monitor, on an on-going basis, health problems that affect the general population in the United States-Mexico Border Area;

(2) to conduct or support a binational, public-private effort to establish a comprehensive and coordinated system, which uses advanced technologies to the maximum extent possible, for gathering health-related data and monitoring health problems in the United States-Mexico Border Area; and

(3) to provide financial, technical, or administrative assistance to public or private nonprofit entities who act to prevent or resolve such problems or who educate the population concerning such health problems.

SEC. 5. MEMBERSHIP.

(a) NUMBER AND APPOINTMENT OF UNITED STATES SECTION.—The United States section of the Commission should be composed of 13 members. The section should consist of the following members:

(1) The Secretary of Health and Human Services or the Secretary's delegate.

(2) The commissioners of health or chief health officer from the States of Texas, New Mexico, Arizona, and California or such commissioners' delegates.

(3) Two individuals residing in United States-Mexico Border Area in each of the States of Texas, New Mexico, Arizona, and California who are nominated by the chief executive officer of the respective States and appointed by the President from among individual who have demonstrated ties to community-based organizations and have demonstrated interest and expertise in health issues of the United States-Mexico Border Area.

(b) COMMISSIONER.—The Commissioner of the United States section of the Commission should be the Secretary of Health and Human Services or such individual's delegate to the Commission. The Commissioner should be the leader of the section.

(c) COMPENSATION.—Members of the United States section of the Commission who are not employees of the United States or any State—

(1) shall each receive compensation at a rate of not to exceed the daily equivalent of the annual rate of basic pay payable for positions at GS–15 of the General Schedule under section 5332 of title 5, United States Code, for each day such member is engaged in the actual performance of the duties of the Commission; and

(2) shall be allowed travel expenses, including per diem in lieu of subsistence at rates authorized for employees of agencies under

subchapter of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services of the Commission.

SEC. 6. REGIONAL OFFICES.

The Commission may designate or establish one border health office in each of the States of Texas, New Mexico, Arizona, and California. Such office should be located within the United States-Mexico Border Area, and should be coordinated with—

(1) State border health offices; and

(2) local nonprofit organizations designated by the State's chief executive officer and directly involved in border health issues.

If feasible to avoid duplicative efforts, the Commission offices should be located in existing State or local nonprofit offices. The Commission should provide adequate compensation for cooperative efforts and resources.

SEC. 7. REPORTS.

Not later than February 1 of each year that occurs more than 1 year after the date of the establishment of the Commission, the Commission should submit an annual report to both the United States Government and the Government of Mexico regarding all activities of the Commission during the preceding calendar year.

SEC. 8. DEFINITIONS.

As used in this Act:

(1) COMMISSION.—The term "Commission" means the United States-Mexico Border Health Commission.

(2) HEALTH PROBLEM.—The term "health problem" means a disease or medical ailment or an environmental condition that poses the risk of disease or medical ailment. The term includes diseases, ailments, or risks of disease or ailment caused by or related to environmental factors, control of animals and rabies, control of insect and rodent vectors, disposal of solid and hazardous waste, and control and monitoring of air quality.

(3) SECRETARY.—The term "Secretary" means the Secretary of Health and Human Services.

(4) UNITED STATES-MEXICO BORDER AREA.—The term "United States-Mexico Border Area" means the area located in the United States and Mexico within 100 kilometers of the border between the United States and Mexico.

PUEBLO OF ISLETA INDIAN LAND CLAIMS

The text of the bill (S. 1422) to confer jurisdiction on the U.S. Claims Court with respect to land claims of Pueblo of Isleta Indian Tribe, as passed by the Senate on September 30, 1994, is as follows:

S. 1422

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. JURISDICTION.

Notwithstanding sections 2401 and 2501 of title 28, United States Code, and section 12 of the Act of August 13, 1946 (60 Stat. 1052), or any other law which would interpose or support a defense of untimeliness, jurisdiction is hereby conferred upon the United States Court of Federal Claims to hear, determine, and render judgment on any claim by Pueblo of Isleta Indian Tribe of New Mexico against the United States with respect to any lands or interests therein the State of New Mexico or any adjoining State held by aboriginal title or otherwise which were acquired from the tribe without payment of adequate compensation by the United States. As a matter of adequate compensation, the United States Court of Federal Claims may award interest at a rate of 5 percent per year to accrue from the date on which such lands or interests therein were acquired from the tribe by the United States. Such jurisdiction is conferred only with respect to claims accruing on or before August 13, 1946, and all such claims must be filed within three years after the date of enactment of this Act. Such jurisdiction is conferred notwithstanding any failure of the tribe to exhaust any available administrative remedy.

SEC. 2. CERTAIN DEFENSES NOT APPLICABLE.

Any award made to any Indian tribe other than the Pueblo of Isleta Indian Tribe of New Mexico before, on, or after the date of the enactment of this Act, under any judgment of the Indian Claims Commission or any other authority, with respect to any lands that are the subject of a claim submitted by the tribe under section 1 shall not be considered a defense, estoppel, or set-off to such claim, and shall not otherwise affect the entitlement to, or amount of, any relief with respect to such claim.

CIVIL RIGHTS COMMISSION REAUTHORIZATION ACT

The text of the bill (S. 2372) to reauthorize for 3 years the Commission on Civil Rights, and for other purposes, as passed by the Senate on September 30, 1994, is as follows:

S. 2372

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Civil Rights Commission Reauthorization Act of 1994".

SEC. 2. REAUTHORIZATION.

Section 7 of the United States Commission on Civil Rights Act (42 U.S.C. 1975e) is amended to read as follows:

"SEC. 7. AUTHORIZATION OF APPROPRIATIONS.

"There is authorized to be appropriated to carry out this Act $9,500,000 for fiscal year 1995.".

SEC. 3. TERMINATION.

Section 8 of the United States Commission on Civil Rights Act (42 U.S.C. 1973f) is amended by striking "1994" and inserting "1997".

THEODORE LEVIN FEDERAL BUILDING AND COURTHOUSE

The text of the bill (S. 2395) to designate the U.S. Federal Building and Courthouse in Detroit, MI, as the "Theodore Levin Federal Building and Courthouse," and for other purposes; as passed by the Senate on September 30, 1994, is as follows:

S. 2395

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. THEODORE LEVIN FEDERAL BUILDING AND COURTHOUSE.

(a) REDESIGNATION.—The courthouse facility located at 231 West Lafayette, in Detroit, Mi, shall be known and designated as the "Theodore Levin Courthouse".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the courthouse facility referred to in subsection (a) shall be deemed to be a reference to the "Theodore Levin Courthouse".

AMENDING THE ENERGY POLICY AND CONSERVATION ACT

The text of the bill (S. 2466) to amend the Energy Policy and Conservation Act to manage the strategic petroleum reserve more effectively, and for other purposes, as passed by the Senate on September 30, 1994, is as follows:

S. 2466

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Energy Policy and Conservation Act Amendments Act of 1994".

TITLE I—ENERGY POLICY AND CONSERVATION

SEC. 101. SHORT TITLE.

This title may be cited as the "Energy Policy and Conservation Act Amendments of 1994".

SEC. 102. TITLE I AMENDMENTS.

Part D of title I of the Energy Policy and Conservation Act is amended in section 181 (42 U.S.C. 6251,), by striking "September 30, 1994" each time it appears and inserting "June 30, 1996".

SEC. 103. TITLE II AMENDMENTS.

Part D of title II of the Energy Policy and Conservation Act is amended in section 281 (42 U.S.C. 6285), by striking "September 30, 1994" each time it appears and inserting "June 30, 1996".

TO APPROVE THE LOCATION OF A THOMAS PAINE MEMORIAL

The text of the joint resolution (S. J. Res. 227) to approve the location of a Thomas Paine Memorial, as passed by the Senate on September 30, 1994, is as follows:

S.J. RES. 227

Whereas section 6(a) of the Act entitled "An Act to provide standards for placement of commemorative works on certain Federal lands in the District of Columbia and its environs, and for other purposes," approved November 14, 1986 (Public Law 99-652; 100 Stat. 3650) provides that the location of a commemorative work in the area described as Area I shall be deemed disapproved unless the location is approved by law not later than 150 days after notification of Congress that the commemorative work may be located in Area I; and

Whereas Public Law 102-407, as amended by Public Law 102-459, authorized the Thomas Paine National Historical Association U.S.A. Memorial Foundation to establish a memorial on Federal land in the District of Columbia to Thomas Paine; and

Whereas the Secretary of the Interior has notified the Congress of his determination that the memorial may be located in Area I: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the location of Thomas Paine Memorial, authorized by Public Law 102-407, as amended by Public Law 102-459, and within Area I as described in Public Law 99-652, is approved.

ENERGY POLICY AND CONSERVATION ACT AMENDMENTS.

The text of the bill (S. 2251) to amend the Energy Policy and Conservation Act to manage the Strategic Petroleum Reserve more effectively, and for other purposes, as passed by the Senate on September 30, 1994, is as follows:

S. 2251

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I—AMENDMENTS TO ENERGY POLICY AND CONSERVATION ACT

SEC. 101. SHORT TITLE.

This title may be cited as the "Energy Policy and Conservation Act Amendments of 1994.

SEC. 102. TABLE OF CONTENTS AMENDMENTS.

Amend the table of contents of the Energy Policy and Conservation Act by—

(1) striking the items relating to sections 153, 155, 158, 164, and 173;

(2) amending the item relating to section 159 to read as follows:

"SEC. 159. Development, operations, and maintenance of the Reserve.";

and

(3) striking the items relating to part A of title II.

SEC. 103. AMENDMENTS TO STATEMENT OF PURPOSES.

Section 2 of the Energy Policy and Conservation Act is amended—

(1) in paragraph (1) by striking "standby" and ", subject to congressional review, and to impose rationing, to reduce demand for energy through the implementation of energy conservation plans, and";

(2) by amending paragraph (3) to read as follows:

"(3) to increase the domestic supply of fossil energy during severe energy supply interruptions."; and

(3) by amending paragraph (6) to read as follows:

"(6) to reduce the demand for petroleum products during severe energy supply interruptions.".

SEC. 104. TITLE I AMENDMENTS.

(a) Part B of Title I of the Energy Policy and Conservation Act (42 U.S.C. 6231) is amended—

(1) in section 151 (42 U.S.C. 6231)—

(A) in subsection (a) by striking "limited" and "short term"; and

(B) by amending subsection (b) to read as follows:

"(b) It is the policy of the United States to provide for the creation of a Strategic Petroleum Reserve for the storage of up to one billion barrels of petroleum products to reduce the impact of disruptions in supplies of petroleum products or to carry out obligations of the United States under the international energy program.";

(2) in section 152 (42 U.S.C. 6232)—

(A) by striking paragraph (1), and

(B) in paragraph (11) by striking ", the Early Storage Reserve";

(3) by striking section 153 (42 U.S.C. 6233);

(4) in section 154 (42 U.S.C. 6234)—

(A) by amending subsection (a)(1) to read as follows:

"(a)(1) A Strategic Petroleum Reserve for the storage of up to one billion barrels of petroleum products shall be created pursuant to this part.";

(B) by amending subsection (b) to read as follows:

"(b) The Secretary, acting through the Strategic Petroleum Reserve Office and in accordance with this part, shall exercise authority over the development, operation, and maintenance of the Reserve.";

(C) by striking subsections (c) and (d); and

(D) by amending subsection (e) to read as follows:

"(e)(1) The Secretary shall prepare, and update biennially, a plan for the operation, maintenance and proposed expansion of the Reserve (hereinafter referred to as the SPR Plan). The SPR Plan shall include—

"(A) a description of the facilities that compose the Strategic Petroleum Reserve, including the type and location of each storage facility (other than storage facilities of the Industrial Petroleum Reserve);

"(B) an estimate of the volumes and types of petroleum products stored in each storage facility, including any special characteristics of such petroleum products; and

"(C) an identification of the ownership of the petroleum products stored in the Reserve in any case where such products are not owned by the United States; and

"(D) a description of any changes that have occurred, or are anticipated, in the operation and maintenance of the Reserve, including any plans under consideration or proposed for the upgrading or replacement of existing facilities or the construction of new storage facilities.

"(2) The Secretary shall, by rule, also prepare a Strategic Petroleum Reserve Drawdown and Distribution Plan (hereinafter referred to as the SPR Drawdown Plan). The SPR Drawdown Plan shall set forth policy options applicable to the drawdown and distribution of the Reserve, including the strategy or alternative strategies of drawdown and distribution that will be considered and the criteria that will be employed to select among such strategies. Until such SPR Drawdown Plan is finalized the December 1, 1992 Strategic Petroleum Reserve Drawdown (Amendment Number 4) shall remain in force and effect.".

(5) by striking section 155 (42 U.S.C. 6235);

(6) in section 156(b) (42 U.S.C. 6236(b)) by striking "To implement the Early Storage Reserve Plan or the Strategic Petroleum Reserve Plan which has taken effect pursuant to section 159(a), the" and inserting "The";

(7) by amending section 157 (42 U.S.C. 6237)—

(A) in subsection (a), by striking "The Strategic Petroleum Reserve Plan shall provide for the establishment and maintenance of" and insert "The Secretary shall establish and maintain as part of the Strategic Petroleum Reserve", and

(B) in subsection (b), by striking "To implement the Strategic Petroleum Reserve Plan, the Secretary shall accumulate and maintain" and inserting "The Secretary may establish and maintain as part of the Strategic Petroleum Reserve";

(8) by striking section 158 (42 U.S.C. 6238);

(9) in section 159 (42 U.S.C. 6239)—

(A) by striking subsections (a), (b), (c), (d), and (e);

(B) by amending subsection (f) to read as follows:

"(f) In order to develop, operate, or maintain the Strategic Petroleum Reserve, the Secretary may:

"(1) issue rules, regulation, or orders;

"(2) acquire by purchase, condemnation, or otherwise, land or interests in land for the location of storage and related facilities;

"(3) construct, purchase, lease, or otherwise acquire storage and related facilities;

"(4) use, lease, maintain, sell, or otherwise dispose of storage and related facilities acquired under this part, under such terms and conditions as the Secretary may deem necessary or appropriate;

"(5) acquire by purchase, exchange, or otherwise, petroleum products for storage in the Strategic Petroleum Reserve;

"(6) store petroleum products in storage facilities owned and controlled by the United States or in storage facilities owned by others if those facilities are subject to audit by the United States;

"(7) execute any contracts necessary to develop, operate, or maintain the Strategic Petroleum Reserve;

"(8) require an importer of petroleum products or refiner to acquire and to store and maintain, in readily available inventories, petroleum products in the Industrial Petroleum Reserve, under section 156;

"(9) require the storage of petroleum products in the Industrial Petroleum Reserve, under section 156, on terms that the Secretary specifies in storage facilities owned and controlled by the United States or in storage facilities other than those owned by the United States if those facilities are subject to audit by the United States;

"(10) require the maintenance of the Industrial Petroleum Reserve; and

"(11) bring an action, when the Secretary considers it necessary, in any court having jurisdiction over the proceedings, to acquire by condemnation any real or personal property, including facilities, temporary use of facilities, or other interests in land, together with any personal property located on or used with the land.";

(C) in subsection (g)—

(i) by striking "implementation" and inserting "development"; and

(ii) by striking "Plan";

(D) by striking subsections (h) and (i); and

(E) by striking in subsection (j) from "No later than" through "Amendments of 1990" and inserting in lieu thereof: "When the Secretary determines that, within five years, the Reserve can reasonably be expected to contain an inventory of 750,000,000 barrels,"; and

(F) by amending subsection (l) to read as follows:

"(1) During any period in which drawdown and distribution are being implemented, the Secretary may issue rules, regulations, or orders to implement the drawdown and distribution of the Strategic Petroleum Reserve in accordance with section 523 of this Act, without regard to the requirements of section 553 of title 5, United States Code, and section 501 of the Department of Energy Organization Act (42 U.S.C. 7191).";

(10) in section 160 (42 U.S.C. 6240)—

(A) in subsection (a), by striking all before the dash and inserting the following—

"(a) For the purpose of implementing the Strategic Petroleum Reserve, the Secretary may acquire, place in storage, transport, or exchange";

(B) in subsection (b), by striking the third comma and "including the Early Storage Reserve" and paragraph (2);

(C) by striking subsections (c), (d) and (e);

(11) in section 161 (42 U.S.C. 6241)—

(A) by amending subsection (b) to read as follows:

"(b) Except as provided in subsection (f) and (g), no drawdown and distribution of the Reserve may be made except in accordance with the provisions of the Distribution Plan prepared pursuant to section 154(e).".

(B) by striking subsection (c).

(C) by amending subsection (d)(1) to read as follows:

"(d)(1) No drawdown and distribution of the Strategic Petroleum Reserve may be

made unless the President has found drawdown and distribution is required by a severe energy supply interruption or by obligations of the United States under the international energy program.".

(D) by amending subsection (e) to read as follows:

"(e)(1) The Secretary shall sell any petroleum product withdrawn from the Strategic Petroleum Reserve at public sale to the highest qualified bidder in the amounts, for the period, and after a notice of sale the Secretary considers proper, and without regard to Federal, State, or local regulations controlling sales of petroleum products.

"(2) The Secretary may cancel in whole or in part any offer to sell petroleum products as part of any drawdown and distribution under this section."; and

(E) in subsection (g)—

(i) in paragraph (1), by striking "Distribution Plan" and inserting "distribution procedures", and

(ii) by striking paragraphs (2) and (6);

(12) by striking section 164 (42 U.S.C. 6244);

(13) by amending section 165 (42 U.S.C. 6245) to read as follows—

"Sec. 165. The Secretary shall report annually to the President and the Congress on actions to implement this part. This report shall include—

"(1) a detailed statement of the status of the Strategic Petroleum Reserve, including—

"(A) the capacity of the Reserve and the scheduled annual fill rate for achieving this capacity;

"(B) the types and quality of crude oil to be acquired for the Reserve, including the method of procurement, under the schedule described in subparagraph (A);

"(C) any conditions affecting physical integrity of any Reserve facility or the petroleum products stored in any Reserve facility, that would impair the maintenance or operation of the Reserve, including any proposed remedial actions, their estimated costs, and schedules for their execution;

"(D) plans for the construction of new Reserve facilities or the enhancement or improvement of existing Reserve facilities, including their estimated costs and schedules for completion;

"(E) specific actions being taken or anticipated to complete and maintain a Reserve, a 750,000,000 barrel Reserve;

"(F) specific actions being taken to complete preparations of plans for expansion of the Reserve to a capacity of one billion barrels; and

"(G) a description of the current method of drawdown and distribution to be utilized; and

"(H) an explanation of any changes made in the matters described in subparagraphs (A) through (G) since the transmittal of the previous report under this section;

"(2) a summary of the actions being taken to develop, operate, or maintain the Strategic Petroleum Reserve;

"(3) a summary of any actions taken or proposed to achieve the petroleum product storage objectives for the Reserve through the acquisition of petroleum products by the acquisition of leasing of petroleum products, or by other means;

"(4) a review of any proposal received from a person, including a State or local governmental entity, that would further the objectives of the Reserve, including the financing or leasing of Reserve storage facilities or petroleum products, or both, and any anticipated actions on such a proposal;

"(5) a description of current United States and International Energy Agency policies and practices applicable to the drawdown and distribution of the Reserve, including any changes in such policies and the rationale for such changes;

"(6) a summary of the financial transactions in the Strategic Petroleum Reserve and SPR Petroleum Account;

"(7) a summary of the existing problems with respect to operation or maintenance of the Strategic Petroleum Reserve; and

"(8) any recommendations for supplemental legislation the Secretary considers necessary or appropriate to implement this part, including any proposal under paragraphs (3) and (4).".

(14) in section 166 (42 U.S.C. 6246) by striking all after "appropriated" and inserting "such funds as may be necessary to implement this part.";

(15) in section 167 (42 U.S.C. 6247)—

(A) in subsection (b)—

(i) by inserting "test sales of petroleum products from the Reserve," after "Strategic Petroleum Reserve,";

(ii) by striking paragraph (1);

(iii) in paragraph (2), by striking "after fiscal year 1982"; and

(B) by amending subsection (e) to read as follows:

"(e) The Impoundment Control Act of 1974 (2 U.S.C. 681–688) applies to funds made available under subsection (b).".

(c) Part C of Title I of the Energy Policy and Conservation Act (42 U.S.C. 6249, et seq.) is amended—

(1) in section 172 (42 U.S.C. 6249a) by striking subsections (a) and (b); and

(2) by striking section 173 (42 U.S.C. 6249b).

(d) Part D of Title I of the Energy Policy and Conservation Act is amended in section 181 (42 U.S.C. 6251), by striking "1994" each time is appears and inserting "1999".

SEC. 105. TITLE II AMENDMENTS.

(a) Title II of the Energy Policy and Conservation Act is amended by striking Part A (42 U.S.C. 201 through 204).

(b) Part B of Title II of the Energy Policy and Conservation Act is amended by adding at the end of section 256(h), "There are authorized to be appropriated for fiscal years 1996 through 1999, such sums as may be necessary.".

(c) Part D of Title II of the Energy Policy and Conservation Act is amended in section 281 (42 U.S.C. 6285), by striking "1994" each time it appears and inserting "1999".

SEC. 106. TITLE III AMENDMENTS.

(a) Part D of title III of the Energy Policy and Conservation Act (42 U.S.C. 6291–6327, 6361–6374d) is amended in section 365(f)) (42 U.S.C. 6325(f)) by amending paragraph (1) to read as follows:

"(1) Except as provided in paragraph (2), for the purpose of carrying out this part, there are authorized to be appropriated for fiscal years 1995 through 1999, such sums as may be necessary.".

(b) Part G of title III of the Energy Policy and Conservation Act (42 U.S.C. 6371, et seq.) is amended in section 397 (42 U.S.C. 6371f) is amended to read as follows:

"SEC. 397. For the purpose of carrying out this part, there are authorized to be appropriated for fiscal years 1995 through 1999, such sums as may be necessary.".

TITLE II—AMENDMENTS TO DEPARTMENT OF ENERGY ORGANIZATION ACT

SEC. 201. STANDARDIZATION OF REQUIREMENTS AFFECTING DEPARTMENT OF ENERGY EMPLOYEES.

(a) REPEAL.—Part A of title VI of the Department of Energy Organization Act and its catchline (42 U.S.C. 7211, 7212, and 7218) are repealed.

(b) CONFORMING AMENDMENT.—The table of contents of the Department of Energy Organization Act is amended by striking out the matter relating to part A of title VI.

TITLE III—INITIATIVES PERTAINING TO THE LOWER MISSISSIPPI DELTA REGION

SEC. 301. FINDINGS.

(a) The Congress finds that—

(1) in 1988, Congress enacted Public Law 100–460, establishing the Lower Mississippi Delta Development Commission, to assess the needs, problems, and opportunities of people living in the Lower Mississippi Delta Region that includes 219 counties and parishes within the States of Arkansas, Illinois, Kentucky, Louisiana, Mississippi, Missouri, and Tennessee;

(2) the Commission conducted a thorough investigation to assess these needs, problems, and opportunities, and held several public hearings throughout the Delta Region;

(3) on the basis of these investigations, the Commission issued the Delta Initiatives Report, which included recommendations on natural resource protection, historic preservation, and the enhancement of educational and other opportunities for Delta Region residents; and

(4) the Delta Initiatives Report recommended—

(A) the implementation of precollege education programs in mathematics and science as well as other initiatives to enhance the educational and technical capabilities of the Delta work force;

(B) that States and local systems seek ways to expand the pool of qualified educators in mathematics and the sciences;

(C) that institutions in the Delta Region work with local school districts to promote mathematics and science education;

(D) that Federal agencies target more research and development monies in selected areas to institutions of higher education in the Delta Region, especially Historically Black Colleges and Universities;

(E) that institutions of higher education establish a regional consortium to provide technical assistance and training to increase international trade between businesses in the Delta Region and foreign countries;

(F) that the Federal government should create economic incentives to encourage the location of value-added facilities for processing agricultural products within the Delta Region; and

(G) that Congress provide practical incentives to encourage the construction of alternative fuel production facilities in the Delta Region.

SEC. 302. DEFINITIONS.

As used in this title, the term—

(1) "Center" means the Delta Energy Technology and Business Development Center established under section 303 of this Act;

(2) "Commission" means the Lower Mississippi Delta Development Commission established pursuant to Public Law 100–460;

(3) "Delta Initiatives Report" means the May 14, 1990 Final Report of the Commission entitled "The Delta Initiatives: Realizing the Dream. . . Fulfilling the Potential";

(4) "Delta Region" means the Lower Mississippi Delta Region including the 219 counties and parishes within the States of Arkansas, Illinois, Kentucky, Louisiana, Mississippi, Missouri, and Tennessee, as defined in the Delta Initiatives Report, except that, for any State for which the Delta Region as defined in such report comprises more than half of the geographic area of such State, the entire State shall be considered part of the Delta Region for purposes of this Act;

(5) "Department" means the United States Department of Energy, unless otherwise specifically stated;

(6) "departmental laboratory" means a facility operated by or on behalf of the Department of Energy that would be considered a laboratory as that term is defined in section 12 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710(d)(2)) or other laboratory or facility the Secretary designates;

(7) "Historically Black College or University" means a college or university that would be considered a "part B institution" by section 322(2) of the Higher Education act of 1965 (20 U.S.C. 1061(2));

(8) "minority college or University" means a Historically Black College or University that would be considered a "part B institution" by section 322(2) of the Higher Education Act of 1965 (20 U.S.C. 1061(2)) or a "minority institution" as that term is defined in section 1046 of the Higher Education Act of 1965 (20 U.S.C. 1135d-5(3));

(9) "persons in the Delta Region" means an entity primarily located in the Delta Region, the controlling interest (as defined by the Secretary) of which is held by persons of the United States, including—

(A) a for-profit entity;

(B) a private foundation or corporation exempt under section 501(c)(3) of the Internal Revenue Code;

(C) a nonprofit organization such as a public trust;

(D) a trade or professional society;

(E) a tribal government;

(F) institutions of higher education; or

(G) a unit of State or local government; and

(10) "Secretary" means the Secretary of Energy, unless otherwise specifically stated.

SEC. 303. DELTA ENERGY TECHNOLOGY AND BUSINESS DEVELOPMENT CENTER.

(a) ESTABLISHMENT.—The Secretary shall enter into an agreement with Louisiana State University in partnership with Southern University in Baton Rouge, Louisiana, to establish the Delta Energy Technology and Business Development Center. The agreement shall provide for cooperative agreements with the University of Arkansas at Pine Bluff, Arkansas, and Alcorn State University in Lorman, Mississippi, and other universities and institutions in the Delta Region, to carry out affiliated programs and coordinate program activities at such universities and institutions.

(b) PURPOSE.—The purpose of the Center shall be to—

(1) foster the creation and retention of energy resource and manufacturing and related energy service jobs in the Delta Region;

(2) encourage the export of energy resources and technologies, including services related thereto, from the Delta Region;

(3) develop markets for energy resources and technologies manufactured in the Delta Region for use in meeting the energy resource and technology needs of foreign countries;

(4) encourage the successful, long-term market penetration of energy resources and technologies manufactured in the Delta Region into foreign countries;

(5) encourage participation in energy-related projects in foreign countries by persons in the Delta Region as well as the utilization in such projects of energy resources and technologies significantly developed, demonstrated, or manufactured in the Delta Region; and

(6) assist in the establishment of technology transfer programs in cooperation with Federal laboratories to create businesses in energy resources and technology in the Delta Region.

(c) GENERAL.—The Center, in cooperation with participating universities and institutions in the Delta Region, shall—

(1) identify and foster the establishment of flexible manufacturing networks in consultation with the States of the Delta Region to promote the development of energy resources and technologies that have the potential to expand technology development and manufacturing in, and exports from, the Delta Region;

(2) provide technical, business, training, marketing, and other assistance to persons in the Delta Region;

(3) develop a comprehensive database and information dissemination system, that will provide detailed information on the specific energy resources and technologies of the Delta Region itself, as well as domestic and international market opportunities for businesses in the Delta Region, and electronically link the Center with other institutions of higher education in the Delta Region;

(4) establish a network of business and technology incubators to promote the design, manufacture, and sale of energy resources and technologies from the Delta Region;

(5) enter into contracts, cooperative agreements, and other arrangements with the Federal government, international development agencies, or persons in the Delta Region to carry out these objectives; and

(6) coordinate existing Department and other Federal programs having comparable goals and purposes.

(d) ASSISTANCE FROM THE SECRETARY.—The Secretary is authorized to provide the Center assistance in obtaining such personnel, equipment, and facilities as may be needed by the Center and affiliated participating universities and institutions to carry out its activities under this section.

(e) GRANTS.—The Secretary is authorized to provide grants and other forms of financial assistance to the Center for the Center and participating universities and institutions to (1) support the creation of flexible manufacturing networks as identified in subsection (c)(1); and (2) develop the comprehensive database described in paragraph (c)(3); and (3) support the training, marketing, and other related activities of the Center.

(f) ACCEPTANCE OF GRANTS AND TRANSFERS.—The Center may accept—

(A) grants and donations from private individuals, groups, organizations, corporations, foundations, State and local governments, and other entities; and

(B) transfers of funds from other Federal agencies.

(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out the programs under this section and for the establishment, operation, construction, and maintenance of the Center and facilities of participating universities and institutions.

SEC. 304. INSTITUTIONAL CONSERVATION PROGRAM FOR THE DELTA REGION.

Title III of the Energy Policy and Conservation Act (42 U.S.C. 6371, et seq.) is amended by adding a new section 400K as follows:

"INSTITUTIONAL CONSERVATION PROGRAM FOR THE DELTA REGION

"SEC. 400K. (a) PURPOSE.—The purpose of this section is to encourage the use of energy conservation measures in the schools and hospitals of the Delta Region.

"(b) GRANTS FOR ESTABLISHMENT OF PROGRAM.—Not later than 12 months after the date of the enactment of the Lower Mississippi Delta Initiatives Act of 1993, the Secretary is authorized to provide grants to schools or hospitals, or to consortiums consisting of a school or hospital and one or more of the following: State or unit of local government; local education agency; State hospital facilities agency; or State school facilities agency. Such grants shall be for purposes of conducting innovative energy conservation projects and providing Federal financing for energy conservation projects at schools and hospitals in the Delta Region.

"(c) APPLICATIONS.—(1) Applications of schools or hospitals for grants under this section shall be made not more than once for any fiscal year. Such applications shall be submitted to the State energy agency, in consultation with the Planning and Development Districts in the Delta Region, and the State energy agency shall make a single submittal to the Secretary containing all applications which comply with subsection (e).

"(2) Applications for grants shall contain, or be accompanied by, such information as the Secretary may reasonably require in accordance with regulations governing institutional conservation programs under this part; provided, however, that the Secretary shall encourage flexible and innovative approaches consistent with this Act.

"(d) SELECTION OF APPLICATIONS.—(1) Not later than six months after the receipt of applications under subsection (c), the Secretary shall select at least seven, but not more than 21, proposals from States to receive grants under subsection (b).

"(2) The Secretary may select more than 21 applications under this subsection, if the Secretary determines that the total amount of available funds is not likely to be otherwise utilized.

"(3) No one State shall receive less than one, or more than four, grants under subsection (b).

"(4) Such grants shall be in addition to such grants as would otherwise be provided under part G of this Act.

"(5) No one grant recipient under this section shall receive Federal funds in excess of $2,000,000.

"(e) SELECTION CRITERIA.—The Secretary shall select recipients of grants under this section on the basis of the following criteria:

"(1) The location of the grant recipient in the Delta Region.

"(2) The demonstrated or potential resources available to the grant applicant for carrying out the purposes of this section.

"(3) The demonstrated or potential ability of the grant applicant to improve energy conservation measures in the designated school or hospital.

"(4) Such other criteria as the Secretary deems appropriate for carrying out the purposes of this section.

"(f) DEFINITION.—For purposes of this section, the term 'Delta Region' means the Lower Mississippi Delta Region including the 219 counties and parishes within the States of Arkansas, Illinois, Kentucky, Louisiana, Mississippi, Missouri, and Tennessee, as defined in the May 14, 1990, Final Report of the Lower Mississippi Delta Development Commission entitled 'The Delta Initiatives: Realizing the Dream . . . Fulfilling the Potential.'

"(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for purposes of carrying out this section, to remain available until expended, not more than $20,000,000 for each of fiscal years 1996, and 1997, and 1998.".

SEC. 305. ENERGY RELATED EDUCATIONAL INITIATIVES.

(a) MINORITY COLLEGE OR UNIVERSITY INITIATIVE.—(1) Within one year after the date of the enactment of this Act, and annually thereafter, the Secretary shall submit to the Committee on Energy and Natural Resources of the United States Senate and to the United States House of Representatives a report identifying opportunities for minority colleges and universities to participate in programs and activities carried out by the Department or the departmental laboratories. The Secretary shall consult with representatives of minority colleges or universities in preparing the report. Such report shall—

(A) describe ongoing education and training programs carried out by the Department or the departmental laboratories with respect to, or in conjunction with, minority colleges or universities in the areas of mathematics, science, and engineering;

(B) describe ongoing research, development, demonstration, or commercial application activities involving the Department or the departmental laboratories and minority colleges or universities;

(C) describe funding levels for the programs referred to in subparagraphs (A) and (B);

(D) identify ways for the Department or the departmental laboratories to assist minority colleges or universities in providing education and training in the fields of mathematics, the sciences, and engineering;

(E) identify ways for the Department or the departmental laboratories to assist minority colleges and universities in entering into partnerships;

(F) address the need for, and potential role of, the Department or the departmental laboratories in providing minority colleges or universities with—

(i) increased research opportunities for faculty and students;

(ii) assistance in faculty development and recruitment;

(iii) curriculum enhancement and development; and

(iv) improved laboratory instrumentation and equipment, including computer equipment, through purchase, loan, or other transfer mechanisms;

(G) address the need for, and potential role of, the Department or departmental laboratories in providing financial and technical assistance for the development of infrastructure facilities, including buildings and laboratory facilities, at minority colleges and universities; and

(H) make specific proposals and recommendations, together with estimates of necessary funding levels, for initiatives to be carried out by the Department or the departmental laboratories in order to assist minority colleges or universities in providing education and training in the areas of mathematics, the sciences, and engineering, and in entering into partnerships with the Department or departmental laboratories.

(2) The Secretary shall encourage memoranda of understanding and other appropriate forms of agreement between the Department and minority colleges and universities directed at jointly planning and developing programs to foster greater involvement of minority colleges and universities in research, education, training, and recruitment activities of the Department.

(b) MINORITY COLLEGE AND UNIVERSITY SCHOLARSHIP PROGRAMS FOR THE DELTA REGION.—The Secretary shall establish a scholarship program for students pursuing undergraduate or graduate degrees in energy-related scientific, mathematical, engineering, and technical disciplines at minority colleges and universities in the Delta Region. The scholarship program shall include tuition assistance. Recipients of such scholarships shall be students deemed by the Secretary to have demonstrated (1) a need for such assistance and (2) academic potential in the particular area of study.

(c) PRE-COLLEGE EDUCATION.—The Secretary shall undertake activities to encourage pre-college education programs in energy-related scientific, mathematical, engineering, and technical disciplines for students in the Delta Region. Such activities shall include, but not be limited to the following:

(1) Cooperation with, and assistance to, State departments of education and local school districts in the Delta Region to develop and carry out after school and summer education programs for elementary, middle, and secondary school students in energy-related scientific, mathematical, engineering and technical disciplines.

(2) Cooperation with, and assistance to, institutions of higher education in the Delta Region to develop and carry out pre-college education programs in energy-related scientific, mathematical, engineering, and technical disciplines for middle and secondary school students.

(3) Cooperation with, and assistance to, State departments of education and local school districts in the development and use of curriculum and educational materials in energy-related scientific, mathematical, engineering, and technical disciplines for middle and secondary students.

(4) The establishment of education programs in subjects relating to energy-related scientific, mathematical, engineering, and technical disciplines for elementary, middle, and secondary school teachers in the Delta Region.

(d) VOLUNTEER PROGRAM.—The Secretary shall carry out a program to encourage the involvement on a voluntary basis of qualified employees of the Department in education programs relating to energy-related scientific, mathematical, engineering, and technical disciplines, in cooperation with State departments of education and local school districts in the Delta Region.

(e) WOMEN AND MINORITIES IN THE SCIENCES.—The Secretary shall establish a Center for Excellence in the Sciences at Alcorn State in Lorman, Mississippi, in cooperation with Southern University in Baton Rouge, Louisiana, and the University of Arkansas at Pine Bluff, Arkansas, and other minority colleges or universities for purposes of encouraging women and minority students in the Delta Region to study and pursue careers in the sciences, mathematics, engineering and technical disciplines. The Center shall enter into cooperative agreements with Southern University in Baton Rouge, Louisiana, and the University of Arkansas at Pine Bluff, Arkansas, and other minority colleges and universities in the Delta Region, to carry out affiliated programs and coordinate programs activities at such colleges and universities. The Secretary is authorized to provide grants and other forms of financial assistance to the Center.

(f) COORDINATION WITH OTHER FEDERAL AGENCIES.—The Secretary shall ensure that the programs authorized in this section are coordinated with, and complimentary to, education assistance programs administered by the Department and by other Federal agencies in the Delta Region. These agencies include, but are not limited to, the Department of the Interior, the Department of Agriculture, the Department of Education, the National Science Foundation, and the National Aeronautics and Space Administration.

(g) AUTHORIZATION OF APPROPRIATIONS.—There is hereby authorized to be appropriated such sums as may be necessary to carry out the purposes of this section.

SEC. 306. INTEGRATED BIOMASS ENERGY SYSTEMS.

(a) PROGRAM DIRECTION.—The Secretary, in consultation with the Secretary of Agriculture, shall conduct a research, development and demonstration program to determine the economic viability of integrated biomass energy systems within the Delta Region.

(b) PROGRAM PLAN.—Not later than six months after the date of enactment of this Act, the Secretary shall prepare and submit to the Congress a program plan to guide the activities under this section.

(c) SOLICITATION OF PROPOSALS.—Not later than one year after the date of enactment of this Act, the Secretary shall solicit proposals for conducting activities consistent with the program plan. Such activities shall include at least three demonstrations of integrated biomass energy systems that—

(1) involve the production of dedicated energy crops of not less than 25,000 acres per demonstration;

(2) include predominately herbaceous energy crops;

(3) include predominately short-rotation woody crops;

(4) demonstrate cost-effective methods of growing, harvesting, storing, transporting, and preparing energy crops for conversion to electricity or transportation fuel; and

(5) result in the conversion of such crops to electricity or transportation fuel by a non-Federal energy producer or the Tennessee Valley Authority.

(d) COST SHARING.—(1) For research, development, and demonstration programs carried out under this section, the Secretary shall require a commitment from non-Federal sources of at least 20 percent of the cost of the project.

(2) The Secretary shall require at least 50 percent of the costs directly and specifically related to any demonstration or commercial application project under this section to be provided from non-Federal sources. The Secretary may reduce the non-Federal requirement under this section if the Secretary determines that the reduction is necessary and appropriate considering the technological risks involved in the project and is necessary to meet the objectives of this section.

(3) In calculating the amount of the non-Federal commitment under paragraph (1) or (2), the Secretary shall include cash, personnel, services, equipment, and other resources.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for purposes of carrying out this section, to remain available until expended, not more than $10,000,000 for each of fiscal years 1996, 1997, and 1998.

SEC. 307. WEATHERIZATION ASSISTANCE PROGRAM FOR THE DELTA REGION.

Title IV of the Energy Conservation and Production Act (42 U.S.C. 6851, 6861-6846) is further amended by adding a new section 423 as follows:

"WEATHERIZATION ASSISTANCE PROGRAM FOR THE DELTA REGION

"SEC. 423. (a) PURPOSE.—The purpose of this section is to encourage the weatherization of low-income dwelling units in the Delta Region.

"(b) GRANTS FOR ESTABLISHMENT OF PROGRAM.—Not later than 12 months after the date of the enactment of the Lower Mississippi Delta Initiatives Act of 1993, the Secretary shall make grants to (1) States, and (2) in accordance with the provisions of subsection (413)(d), to Indian tribal organizations to serve Native Americans in the Delta Region. Such grants shall be made for the purposes of providing financial assistance for the weatherization of low-income dwelling units.

"(c) APPLICATIONS.—(1) Applications of States or Indian tribal organizations for grants under this section shall be made not more than once for any fiscal year. Such applications shall be submitted to the State weatherization agency, in consultation with Community Action Agencies and Planning and Development Districts in the Delta Region, and the State weatherization agency shall make a single submittal to the Secretary containing all applications which comply with subsection (e).

"(2) Applications for grants for energy conservation projects shall contain, or be accompanied by, such information as the Secretary may reasonably require in accordance with regulations governing weatherization assistance programs under this Part.

"(d) SELECTION OF APPLICATIONS.—(1) The Secretary shall select applications from States to receive grants under subsection (b).

"(2) Such grants shall be in addition to such grants as would otherwise be provided under section 414 of this Act.

"(3) No one grant recipient under this section shall receive Federal funds in excess of $2,000,000.

"(e) SELECTION CRITERIA.—The Secretary shall select recipients of grants under this section in accordance with the requirements of sections 414(b) and 415 of this Act, and on the basis of the following criteria:

"(1) The location of the grant applicant in the Delta Region.

"(2) The demonstrated or potential resources available to the grant applicant for carrying out the purposes of this section.

"(3) The demonstrated or potential ability of the grant applicant to improve energy efficiency in low-income dwelling units.

"(f) COORDINATION WITH OTHER WEATHERIZATION ASSISTANCE PROGRAMS.—The Secretary shall ensure that the programs authorized in this section are coordinated with, and complimentary to, Department weatherization assistance programs under section 413, 414A and 414B of this title.

"(g) DEFINITION.—For purposes of this section, the term 'Delta Region' means the Lower Mississippi Delta Region including the 219 counties and parishes within the States of Arkansas, Illinois, Kentucky, Louisiana, Mississippi, Missouri, and Tennessee, as defined in the May 14, 1990 Final Report of the Lower Mississippi Delta Development Commission entitled 'The Delta Initiatives: Realizing the Dream . . . Fulfilling the Potential.'

"(h) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for purposes of carrying out this section, to remain available until expended, not more than $20,000,000 for each of fiscal years 1996, 1997, and 1998.".

SEC. 308. RENEWABLE ENERGY PRODUCTION INCENTIVES.

Section 1212 of the Energy Policy Act of 1992 (42 U.S.C. 13317) is amended by inserting immediately after "foregoing," the following: "by the Tennessee Valley Authority,".

TITLE IV—PURCHASES FROM THE STRATEGIC PETROLEUM RESERVE BY THE STATE OF HAWAII.

SEC. 401. (a) GENERAL PROVISIONS.—Section 161 of the Energy Policy and Conservation Act (42 U.S.C. 6241) is amended by adding at the end the following new subsection:

"(j)(1) With respect to each offering of a quantity of petroleum product during a drawdown of the Strategic Petroleum Reserve—

"(A) the State of Hawaii, in addition to having the opportunity to submit a competitive bid, may—

"(i) submit a binding offer, and shall on submission of the bid, be entitled to purchase a category of petroleum product specified in a notice of sale at a price equal to the volumetrically weighted average of the successful bids made for the remaining quantity of petroleum product within the category that is the subject of the offering; and

"(ii) submit one or more alternative offers, for other categories of petroleum product, that will be binding in the event that no price competitive contract is awarded for the category of petroleum product on which a binding offer is submitted under clause (i); and

"(B) at the request of the Governor of the State of Hawaii, petroleum product purchased by the State of Hawaii at a competitive sale or through a binding offer shall have first preference in scheduling for lifting.

"(2)(A) In administering this subsection, and with respect to each offering, the Secretary may impose the limitation described in subparagraph (B) or (C) that results in the purchase of the lesser quantity of petroleum product.

"(B) The Secretary may limit the quantity of petroleum product that the State of Hawaii may purchase through a binding offer at any one offering to 1-1/2 of the total quantity of imports of petroleum product brought into the State during the previous year (or other period determined by the Secretary to be representative).

"(C) The Secretary may limit the quantity that may be purchased through binding offers at any one offering to 3 percent of the offering.

"(3) Notwithstanding any limitation imposed under paragraph (2), in administering this subsection, and with respect to each offering, the Secretary shall, at the request of the Governor of the State of Hawaii, adjust the quantity to be sold to the State of Hawaii or an eligible entity certified under paragraph (6), as follows:

"(A) The Secretary shall adjust upward to the next whole number increment of a full tanker load if the quantity to be sold is—

"(i) less than one full tanker load; or

"(ii) greater than or equal to 50 percent of a full tanker load more than a whole number increment of a full tanker load.

"(B) The Secretary shall adjust downward to the next whole number increment of a full tanker load if the quantity to be sold is less than 50 percent of a full tanker load more than a whole number increment of a full tanker load.

"(4) The State of Hawaii or an eligible entity may enter into an exchange or a processing agreement that requires delivery to other locations, so long as petroleum product of similar value or quantity is delivered to the State of Hawaii.

"(5) Except as otherwise provided in this Act, the Secretary may require the State of Hawaii and any eligible entity that purchases petroleum product under this subsection to comply with the standard sales provisions applicable to purchasers of petroleum product at competitive sales.

"(6)(A) Notwithstanding the foregoing, and subject to subparagraphs (B) and (C), if the Governor of the State of Hawaii certifies to the Secretary that the State has entered into an agreement with an eligible entity to effectuate the purposes of this Act, such eligible entity may submit a binding offer and receive first preference in scheduling for lifting in accordance with this subsection.

"(B) The Governor of the State of Hawaii shall not certify more than one eligible entity under this paragraph for each notice of sale.

"(C) If the Secretary has notified the Governor of the State of Hawaii that a company has been barred from bidding (either prior to, or at the time that a notice of sale is issued), the Governor shall not certify such company under the paragraph.

"(7) As used in this subsection—

"(A) the term 'binding offer' means a bid submitted by the State of Hawaii or an eligible entity for an assured award of a specific quantity of petroleum product, with a price to be calculated pursuant to this Act, that obligates the offeror to take title to the petroleum product without further negotiation or recourse to withdraw the offer;

"(B) the term 'category of petroleum' means the master line items within a notice of sale;

"(C) the term 'eligible entity' means an entity that owns or controls a refinery that is located within the State of Hawaii;

"(D) the term 'full tanker load' means a tanker of approximately 700,000 barrels of capacity, or such lesser tanker capacity as may be designated by the State of Hawaii or the eligible entity submitting the binding offer;

"(E) the term 'offering' means a solicitation for bids for a quantity or quantities of petroleum product from the Strategic Petroleum Reserve as specified in the notice of sale; and

"(F) the term 'notice of sale' means the document that announces—

"(i) the sale of strategic petroleum reserve products;

"(ii) the quantity, characteristics, and location of the petroleum product being sold;

"(iii) the delivery period for the sale; and

"(iv) the procedures for submitting offers.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the date that is 180 days after the date of enactment of this Act or the date that final regulations are promulgated pursuant to section 3, whichever is sooner.

SEC. 402. REGULATIONS.

(a) IN GENERAL.—The Secretary shall promulgate such regulations as are necessary to carry out section 2.

(b) PLAN AMENDMENTS.—No amendment of the Strategic Petroleum Reserve Plan or the Distribution Plan contained in the Strategic Petroleum Reserve Plan is required for any action taken under this Act if the Secretary determines that an amendment to the plan is necessary to carry out this section.

(c) ADMINISTRATIVE PROCEDURE.—Regulations issued to carry out this Act shall not be subject to—

(1) section 523 of the Energy Policy and Conservation Act (42 U.S.C. 6393); or

(2) section 501 of the Department of Energy Organization Act (42 U.S.C. 7191).

TITLE V—DEPARTMENT OF ENERGY TECHNOLOGY PARTNERSHIPS

SEC. 501. SHORT TITLE.

This title may be cited as the "Department of Energy National Competitiveness Technology Partnership Act of 1994".

SEC. 502. DEFINITIONS.

For purposed of this title, the term—

(a) "Department" means the United States Department of Energy; and

(b) "Secretary" means the Secretary of the United States Department of Energy.

SEC. 503. COMPETITIVENESS AMENDMENT TO THE DEPARTMENT OF ENERGY ORGANIZATION ACT.

(a) The Department of Energy Organization Act is amended by adding the following new title (42 U.S.C. 7101 et seq.):

"TITLE XI—TECHNOLOGY PARTNERSHIPS

"SEC. 1101. FINDINGS, PURPOSES AND DEFINITIONS.

"(a) FINDINGS.—For purposes of this title, Congress finds that—

"(1) the Department has scientific and technical resources within the departmental laboratories in many areas of importance to the economic, scientific and technological competitiveness of United States industry;

"(2) the extensive scientific and technical investment in people, facilities and equipment in the departmental laboratories can contribute to the achievement of national technology goals in areas such as the environment, health, space, and transportation;

"(3) the Department has pursued aggressively the transfer of technology from departmental laboratories to the private sector; however, the capabilities of the laboratories could be made more fully accessible to United States industry and to other Federal agencies;

"(4) technology development has been increasingly driven by the commercial marketplace, and the private sector has research and development capabilities in a broad range of generic technologies;

"(5) the Department and the departmental laboratories would benefit, in carrying out their missions, from collaboration and partnership with United States industry and other Federal agencies; and

"(6) partnerships between the departmental laboratories and United States industry can provide significant benefits to the Nation as a whole, including creation of jobs for United States workers and improvement of the competitive position of the United States in key sectors of the economy such as aerospace, automotive, chemical and electronics.

"(b) PURPOSES.—The purposes of this title are—

"(1) to promote partnerships among the Department, the departmental laboratories and the private sector;

"(2) to establish a goal for the amount of departmental laboratory resources to be committed to partnerships;

"(3) to ensure that the Department and the departmental laboratories play an appropriate role, consistent with the core competencies of the laboratories, in implementing the President's critical technology strategies;

"(4) to provide additional authority to the Secretary to enter into partnerships with the private sector to carry out research, development, demonstration and commercial application activities;

"(5) to streamline the approval process for cooperative research and development agreements proposed by the departmental laboratories; and

"(6) to facilitate greater cooperation between the Department and other Federal agencies as part of an integrated national effort to improve United States competitiveness.

"(c) DEFINITIONS.—For purposes of this title, the term—

"(1) 'cooperative research and development agreement' has the meaning given that term in section 12 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710a(d)(1));

"(2) 'core competency' means an area in which the Secretary determines a departmental laboratory has developed expertise and demonstrated capabilities;

"(3) 'critical technology' means a technology identified in the Report of the National Critical Technologies Panel;

"(4) 'departmental laboratory' means a facility operated by or on behalf of the Department that would be considered a laboratory as that term is defined in section 12 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710a(d)(2)) or any other laboratory or facility designated by the Secretary;

"(5) 'disadvantaged' has the same meaning as that term has in section 8(a) (5) and (6) of the Small Business Act (15 U.S.C. 637(a) (5) and (6));

"(6) 'dual-use technology' means a technology that has military and commercial applications;

"(7) 'educational institution' means a college, university, or elementary or secondary school, including any not-for-profit organization dedicated to education that would be exempt under section 501(a) of the Internal Revenue Code of 1986;

"(8) 'minority college or university' means a historically Black college or university that would be considered a 'part B institution' by section 322(2) of the Higher Education Act of 1965 (20 U.S.C. 1061(2)) or a 'minority institution' as that term is defined in section 1046 of the Higher Education Act of 1965 (20 U.S.C. 1135d–5(3)).

"(9) 'multi-program departmental laboratory' means any of the following: Argonne National Laboratory, Brookhaven National Laboratory, Idaho National Engineering Laboratory, Lawrence Berkeley Laboratory, Lawrence Livermore National Laboratory, Los Alamos National Laboratory, National Renewable Energy Laboratory, Oak Ridge National Laboratory, Pacific Northwest Laboratory, and Sandia National Laboratories;

"(10) 'partnership' means any arrangement under which the Secretary or one or more departmental laboratories undertakes research, development, demonstration, commercial application or technical assistance activities in cooperation with one or more non-Federal partners and which may include partners from other Federal agencies;

"(11) 'Report of the National Critical Technologies Panel' means the biennial report on national critical technologies submitted to Congress by the President pursuant to section 603(d) of the National Science and Technology Policy, Organization, and Priorities Act of 1976 (42 U.S.C. 6683(d)); and

"(12) 'small business' means a business concern that meets the applicable standards prescribed pursuant to section 3(a) of the Small Business Act (15 U.S.C. 632(a)).

"SEC. 1102. GENERAL AUTHORITY.

"(a)(1) In carrying out the missions of the Department, the Secretary and the departmental laboratories may conduct research, development, demonstration or commercial application activities that build on the core competencies of the departmental laboratories.

"(2) In addition to missions established pursuant to other laws, the Secretary may assign to departmental laboratories any of the following missions:

"(A) National security, including the—

"(i) advancement of the military application of atomic energy;

"(ii) support of the production of atomic weapons, or atomic weapons parts, including special nuclear materials;

"(iii) support of naval nuclear propulsion programs;

"(iv) support for the dismantlement of atomic weapons and the safe storage, transportation and disposal of special nuclear materials;

"(v) development of technologies and techniques for the safe storage, processing, treatment, transportation, and disposal of hazardous waste (including radioactive waste) resulting from nuclear materials production, weapons production and surveillance programs, and naval nuclear propulsion programs and of technologies and techniques for the reduction of environmental hazards and contamination due to such waste and the environmental restoration of sites affected by such waste;

"(vi) development of technologies and techniques needed for the effective negotiation and verification of international arms control agreements and for the containment of the proliferation of nuclear, chemical, and biological weapons and delivery vehicles of such weapons; and

"(vii) protection of health and promotion of safety in carrying out other national security missions.

"(B) Energy-related science and technology, including the—

"(i) enhancement of the Nation's understanding of all forms of energy production and use;

"(ii) support of basic and applied research on the fundamental nature of matter and energy, including construction and operation of unique scientific instruments;

"(iii) development of energy resources, including solar, geothermal, fossil, and nuclear energy resources, and related fuel cycles;

"(iv) pursuit of a comprehensive program of research and development on the environmental effects of energy technologies and programs;

"(v) development of technologies and processes to reduce the generation of waste or pollution or the consumption of energy or materials;

"(vi) development of technologies and techniques for the safe storage, processing, treatment, management, transportation and disposal of nuclear waste resulting from commercial nuclear activities; and

"(vii) improvement of the quality of education in science, mathematics, and engineering.

"(C) Technology transfer.

"(3)(A) In addition to the missions identified in subsection (a)(2), the Departmental laboratories may pursue supporting missions to the extent that these supporting missions—

"(i) support the technology policies of the President;

"(ii) are developed in consultation with and coordinated with any other Federal agency or agencies that carry out such mission activities;

"(iii) are built upon the competencies developed in carrying out the primary missions identified in subsection (a)(2) and do not interfere with the pursuit of the missions identified in subsection (a)(2); and

"(iv) are carried out through a process that solicits the views of United States industry and other appropriate parties.

"(B) These supporting missions shall include activities in the following areas:

"(i) developing and operating high-performance computing and communications systems, with the goals of contributing to a national information infrastructure and addressing complex scientific and industrial challenges which require large-scale computational capabilities;

"(ii) conducting research on and development of advanced manufacturing systems and technologies, with the goal of assisting the private sector in improving the productivity, quality, energy efficiency, and control of manufacturing processes;

"(iii) conducting research on and development of advanced materials, with the goals of increasing energy efficiency, environmental protection, and improved industrial performance.

"(4) In carrying out the Department's missions, the Secretary, and the directors of the departmental laboratories, shall, to the maximum extent practicable, make use of partnerships. Such partnerships shall be for purposes of the following:

"(A) to lead to the development of technologies that the private sector can commercialize in areas of technology with broad application important to United States technological and economic competitiveness;

"(B) to provide Federal support in areas of technology where the cost or risk is too high for the private sector to support alone but that offer a potentially high payoff to the United States;

"(C) to contribute to the education and training of scientists and engineers;

"(D) to provide university and private researchers access to departmental laboratory facilities; or

"(E) to provide technical expertise to universities, industry or other Federal agencies.

"(b) The Secretary, in carrying out partnerships, may enter into agreements using instruments authorized under applicable laws, including but not limited to contracts, cooperative research and development agreements, work for other agreements, user-facility agreements, cooperative agreements, grants, personnel exchange agreements and patent and software licenses with any person, any agency or instrumentality of the United States, any State or local governmental entity, any educational institution, and any other entity, private sector or otherwise.

"(c) The Secretary, and the directors of the departmental laboratories, shall utilize partnerships with United States industry, to the maximum extent practicable, to ensure that technologies developed in pursuit of the Department's missions are applied and commercialized in a timely manner.

"(d) The Secretary shall work with other Federal agencies to carry out research, development, demonstration or commercial application activities where the core competencies of the departmental laboratories could contribute to the missions of such other agencies.

"SEC. 1103. ESTABLISHMENT OF GOAL FOR PARTNERSHIPS BETWEEN DEPARTMENTAL LABORATORIES AND UNITED STATES INDUSTRY.

"(a) Beginning in fiscal year 1994, the Secretary shall establish a goal to allocate to cost-shared partnerships with United States industry not less than 20 percent of the annual funds provided by the Secretary to each multi-program departmental laboratory for research, development, demonstration and commercial application activities.

"(b) Beginning in fiscal year 1994, the Secretary shall establish an appropriate goal for the amount of resources to be committed to cost-shared partnerships with United States industry at other departmental laboratories.

"SEC. 1104. ROLE OF THE DEPARTMENT IN THE DEVELOPMENT OF CRITICAL TECHNOLOGY STRATEGIES.

"(a) The Secretary shall develop a multiyear critical technology strategy for research, development, demonstration and commercial application activities supported by the Department for the critical technologies listed in the Report of the National Critical Technologies Panel.

"(b) In developing such strategy, the Secretary shall—

"(1) identify the core competencies of each departmental laboratory;

"(2) develop goals and objectives for the appropriate role of the Department in each of the critical technologies listed in the report, taking into consideration the core competencies of the departmental laboratories;

"(3) consult with appropriate representatives of United States industry, including members of industry associations and representatives of labor organizations; and

"(4) participate in the executive branch process to develop critical technology strategies.

"SEC. 1105. PARTNERSHIP PREFERENCES.

"(a) The Secretary shall ensure that the principal economic benefits of any partnership accrue to the United States economy.

"(b) Any partnership that would be given preference under section 12(c)(4) of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710a(c)(4)) if it were a cooperative research and development agreement shall be given preference under this title.

"(c) The Secretary shall issue guidelines, after consultation with the Laboratory Partnership Advisory Board established in section 1109, for application of section 12(c)(4) of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710a(c)(4)) and application of subsection (a) of this section to partnerships.

"(d) The Secretary shall encourage partnerships that involve minority colleges or universities or private sector entities owned or controlled by disadvantaged individuals.

"SEC. 1106. EVALUATION OF PARTNERSHIP PROGRAMS.

"(a) The Secretary, in consultation with the Laboratory Partnership Advisory Board established in section 1109, shall develop mechanisms for independent evaluation of the ongoing partnership activities of the Department and the departmental laboratories.

"(b)(1) The Secretary and the director of each departmental laboratory shall develop mechanisms for assessing the progress of each partnership.

"(2) The Secretary and the director of each departmental laboratory shall utilize the mechanisms developed under paragraph (1) to evaluate the accomplishments of each ongoing multi-year partnership and shall condition continued Federal participation in each partnership on demonstrated progress.

"SEC. 1107. ANNUAL REPORT.

"(a) The Secretary shall submit an annual report to Congress describing the ongoing partnership activities of the Secretary and each departmental laboratory and, to the extent practicable, the activities planned by the Secretary and by each departmental laboratory for the coming fiscal year. In developing the report, the Secretary shall seek the advice of the Laboratory Partnership Advisory Board established in section 1109.

"(b) The Secretary shall submit the report under subsection (a) to the Committees on Appropriations and Energy and Natural Resources of the Senate and to the appropriate committees of the House of Representatives. No later than March 1, 1994, and no later than the first of March of each subsequent year, the Secretary shall submit the report under subsection (a) that covers the fiscal year beginning on the first of October of such year.

"(c) Each director of a departmental laboratory shall provide annually to the Secretary a report on ongoing partnership activities and a plan and such other information as the Secretary may reasonably require describing the partnership activities the director plans to carry out in the coming fiscal year. The director shall provide such report and plan in a timely manner as prescribed by the Secretary to permit preparation of the report under subsection (a).

"(d) The Secretary's description of planned activities under subsection (a) shall include, to the extent such information is available, appropriate information on—

"(1) the total funds to be allocated to partnership activities by the Secretary and by the director of each departmental laboratory;

"(2) a breakdown of funds to be allocated by the Secretary and by the director of each departmental laboratory for partnership activities by areas of technology;

"(3) any plans for additional funds not described in paragraph (2) to be set aside for partnerships during the coming fiscal year;

"(4) any partnership that involves a Federal contribution in excess of $500,000 the Secretary or the director of each departmental laboratory expects to enter into in the coming fiscal year;

"(5) the technologies that will be advanced by each partnership that involves a Federal contribution in excess of $500,000;

"(6) the types of entities that will be eligible for participation in partnerships;

"(7) the nature of the partnership arrangements, including the anticipated level of financial and in-kind contribution from participants and any repayment terms;

"(8) the extent of use of competitive procedures in selecting partnerships; and

"(9) such other information that the Secretary finds relevant to the determination of the appropriate level of Federal support for such partnerships.

"(e) The Secretary shall provide appropriate notice in advance to Congress of any partnership, which has not been described previously in the report required by subsection (a), that involves a Federal contribution in excess of $500,000.

"SEC. 1108. PARTNERSHIP PAYMENTS.

"(a)(1) Partnership agreements entered into by the Secretary may require a person or other entity to make payments to the Department, or any other Federal agency, as a condition for receiving support under the agreement.

"(2) The amount of any payment received by the Federal Government pursuant to a requirement imposed under paragraph (1) may be credited, to the extent authorized by the Secretary, to the account established under paragraph (3). Amounts so credited shall be available, subject to appropriations, for partnerships.

"(3) There is hereby established in the United States Treasury an account to be known as the 'Department of Energy Partnership Fund'. Funds in such account shall be available to the Secretary for the support of partnerships.

"(b) The Secretary may advance funds under any partnership without regard to section 3324 of title 31 of the United States Code to—

"(1) small businesses;

"(2) not-for-profit organizations that would be exempt under section 501(a) of the Internal Revenue Code of 1986; or

"(3) State or local governmental entities.

"SEC. 1109. LABORATORY PARTNERSHIP ADVISORY BOARD AND INDUSTRIAL ADVISORY GROUPS AT MULTI-PROGRAM DEPARTMENTAL LABORATORIES.

"(a)(1) The Secretary shall establish within the Department an advisory board to be known as the 'Laboratory Partnership Advisory Board,' to provide the Secretary with advice on the implementation of this title.

"(2) The membership of the Laboratory Partnership Advisory Board shall consist of persons who are qualified to provide the Secretary with advice on the implementation of this title. Members of the Board shall include representatives primarily from United States industry but shall also include representatives from the following:

"(A) small businesses;

"(B) private sector entities owned or controlled by disadvantaged persons;

"(C) educational institutions, including representatives from minority colleges or universities;

"(D) laboratories of other Federal agencies; and

"(E) professional and technical societies in the United States.

"(3) The Laboratory Partnership Advisory Board shall request comment and suggestions from departmental laboratories to assist the Board in providing advice to the Secretary on the implementation of this title.

"(b) The director of each multi-program departmental laboratory shall establish an advisory group consisting of persons from United States industry to—

"(1) evaluate new initiatives proposed by the departmental laboratory;

"(2) identify opportunities for partnerships with United States industry; and

"(3) evaluate ongoing programs at the departmental laboratory from the perspective of United States industry.

"(c) Nothing in this section is intended to preclude the Secretary or the director of a departmental laboratory from utilizing existing advisory boards to achieve the purposes of this section.

"SEC. 1110. FELLOWSHIP PROGRAM.

"The Secretary shall encourage scientists, engineers and technical staff from departmental laboratories to serve as visiting fellows in research and manufacturing facilities of industrial organizations, State and local governments, and educational institutions in the United States and foreign countries. The Secretary may establish a formal fellowship program for this purpose or may authorize such activities on a case-by-case basis. The Secretary shall also encourage scientists and engineers from United States industry to serve as visiting scientists and engineers in the departmental laboratories.

"SEC. 1111. COOPERATION WITH STATE AND LOCAL PROGRAMS FOR TECHNOLOGY DEVELOPMENT AND DISSEMINATION.

"The Secretary and the director of each departmental laboratory shall seek opportunities to coordinate their activities with programs of State and local governments for technology development and dissemination, including programs funded in part by the Secretary of Defense pursuant to section 2523 of title 10 of the United States Code and section 2513 of title 10 of the United States Code and programs funded in part by the Secretary of Commerce pursuant to sections 25 and 26 of the Act of March 3, 1901 (15 U.S.C. 278k and 278l) and section 5121(b) of the Omnibus Trade and Competitiveness Act of 1988 (15 U.S.C. 278l note).

"SEC. 1112. AVAILABILITY OF FUNDS FOR PARTNERSHIPS.

"(a) All of the funds authorized to be appropriated to the Secretary for research, development, demonstration or commercial application activities, other than atomic energy defense programs, shall be available for partnerships to the extent such partnerships are consistent with the goals and objectives of such activities.

"(b) All of the funds authorized to be appropriated to the Secretary for research, development, demonstration or commercial application of dual-use technologies within the Department's atomic energy defense activities shall be available for partnerships to the extent such partnerships are consistent with the goals and objectives of such activities.

"(c) Funds authorized to be appropriated to the Secretary and made available for departmental laboratory-directed research and development shall be available for any partnership.

"SEC. 1113. PROTECTION OF INFORMATION.

"Section 12(c)(7) of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710a(c)(7)), relating to the protection of information, shall apply to the partnership activities undertaken by the Secretary and by the directors of the departmental laboratories.

"SEC. 1114. FAIRNESS OF OPPORTUNITY.

"(a) The Secretary and the director of each departmental laboratory shall institute procedures to ensure that information on laboratory capabilities and arrangements for participating in partnerships with the Secretary or the departmental laboratories is publicly disseminated.

"(b) Prior to entering into any partnership having a Federal contribution in excess of $5,000,000, the Secretary or director of a departmental laboratory shall ensure that the opportunity to participate in such partnership has been publicly announced to potential participants.

"(c) In cases where the Secretary or the director of a departmental laboratory believes a potential partnership activity would benefit from broad participation from the private sector, the Secretary or the director of such departmental laboratory may take such steps as may be necessary to facilitate formation of a United States industry consortium to pursue the partnership activity.

"SEC. 1115. PRODUCT LIABILITY.

"The Secretary, after consultation with the Laboratory Partnership Advisory Board established in section 1109, and the Attorney General shall enter into a memorandum of understanding establishing a consistent policy and standards regarding the liability of the United States, of the non-Federal entity operating a departmental laboratory and of any other party to a partnership for product liability claims arising from partnership activities. The Secretary and the director of each departmental laboratory shall, to the maximum extent practicable, incorporate into any partnership the policy and standards established in the memorandum of understanding.

"SEC. 1116. INTELLECTUAL PROPERTY.

"The Secretary shall, after consultation with the Laboratory Partnership Advisory Board established in section 1109, develop guidelines governing the application of intellectual property laws by the Secretary and by the director of each departmental laboratory in partnership arrangements.

"SEC. 1117. SMALL BUSINESS.

"(a) The Secretary shall develop simplified procedures and guidelines for partnerships involving small businesses to facilitate access to the resources and capabilities of the departmental laboratories.

"(b) Notwithstanding any other law, the Secretary may waive, in whole or in part, any cost-sharing requirement for a small business involved in a partnership if the Secretary determines that the cost-sharing requirement would impose an undue hardship on the small business and would prevent the formation of the partnership.

"(c) Notwithstanding Section 12(d) of the Stevenson-Wydler Innovation Act of 1980 (15 U.S.C. 3710a(d)(1)), the Secretary may provide funds as part of a cooperative research and development agreement to a small business if the Secretary determines that the funds are necessary to prevent imposing an undue hardship on the small business and necessary for the formation of the cooperative research and development agreement.

"SEC. 1118. MINORITY COLLEGE AND UNIVERSITY REPORT.

"Within one year after the date of enactment of this title, and annually thereafter, the Secretary shall submit to the Committee on Energy and Natural Resources of the United States Senate and to the United States House of Representatives a report identifying opportunities for minority colleges and universities to participate in programs and activities being carried out by the Department or the departmental laboratories. The Secretary shall consult with representatives of minority colleges and universities in preparing the report. Such report shall—

"(a) describe ongoing education and training programs being carried out by the Department or the departmental laboratories with respect to or in conjunction with minority colleges and universities in the areas of mathematics, science, and engineering;

"(b) describe ongoing research, development demonstration or commercial application activities involving the Department or the departmental laboratories and minority colleges and universities;

"(c) describe funding levels for the programs and activities described in subsections (a) and (b);

"(d) identify ways for the Department or the departmental laboratories to assist minority colleges and universities in providing education and training in the fields of mathematics, science, and engineering;

"(e) identify ways for the Department or the departmental laboratories to assist minority colleges and universities in entering into partnerships;

"(f) address the need for and potential role of the Department or the departmental laboratories in providing to minority colleges and universities the following:

"(1) increased research opportunities for faculty and students;

"(2) assistance in faculty development and recruitment and curriculum enhancement and development; and

"(3) laboratory instrumentation and equipment, including computer equipment, through purchase, loan, or other transfer;

"(g) address the need for and potential role of the Department or departmental laboratories in providing funding and technical assistance for the development of infrastructure facilities, including buildings and laboratory facilities at minority colleges and universities; and

"(h) make specific proposals and recommendations, together with estimates of

necessary funding levels, for initiatives to be carried out by the Department or the department laboratories to assist minority colleges and universities in providing education and training in the areas of mathematics, science, and engineering, and in entering into partnerships with the Department or departmental laboratories.

"SEC. 1119. MINORITY COLLEGE AND UNIVERSITY SCHOLARSHIP PROGRAM.

"The Secretary shall establish a scholarship program for students attending minority colleges or universities and pursuing a degree in energy-related scientific, mathematical, engineering, and technical disciplines. The program shall include tuition assistance. The program shall provide an opportunity for the scholarship recipient to participate in an applied work experience in a departmental laboratory. Recipients of such scholarships shall be students deemed by the Secretary to have demonstrated (1) a need for such assistance and (2) academic potential in the particular area of study. Scholarships awarded under this program shall be known as Secretary of Energy Scholarships.".

(b) CONFORMING AMENDMENT.—The table of contents of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.) is amended by adding at the end thereof the following items—

"TITLE XI—TECHNOLOGY PARTNERSHIPS

"Sec. 1101. Finding, Purposes and Definitions.
"Sec. 1102. General Authority.
"Sec. 1103. Establishment of Goal for Partnerships Between Departmental Laboratories and United States Industry.
"Sec. 1104. Role of the Department in the Development of Critical Technology Strategies.
"Sec. 1105. Partnership Preferences.
"Sec. 1106. Evaluation of Partnership Programs.
"Sec. 1107. Annual Report.
"Sec. 1108. Partnership Payments.
"Sec. 1109. Laboratory Partnership Advisory Board and Industrial Advisory Groups at Multi-Program Departmental Laboratories.
"Sec. 1110. Fellowship Program.
"Sec. 1111. Cooperation with State and Local Programs for Technology Development And Dissemination.
"Sec. 1112. Availability of Funds for Partnerships.
"Sec. 1113. Protection of Information.
"Sec. 1114. Fairness of Opportunity.
"Sec. 1115. Product Liability.
"Sec. 1116. Intellectual Property.
"Sec. 1117. Small Business.
"Sec. 1118. Minority College and University Report.
"Sec. 1119. Minority College and University Scholarship program.".

SEC. 504. NATIONAL ADVANCED MANUFACTURING TECHNOLOGIES PROGRAM.

The Secretary is encouraged to use partnerships to expedite the private sector deployment of advanced manufacturing technologies as required by section 2202(a) of the Energy Policy Act of 1992 (42 U.S.C. 13502).

SEC. 505. NOT-FOR-PROFIT ORGANIZATIONS.

The Secretary shall encourage the establishment of not-for-profit organizations, such as the Center for Applied Development of Environmental Technology (CADET), that will facilitate the transfer of technologies from the departmental laboratories to the private sector.

SEC. 506. CAREER PATH PROGRAM.

(a) The Secretary, utilizing authority under other applicable law and the authority of this section, shall establish a career path program to recruit employees of the national laboratories to serve in positions in the Department.

(b) Section 207 to title 18, United States Code, is amended by inserting after subsection (j)(6) the following:

"(7) NATIONAL LABORATORIES.—(A) The restrictions contained in subsections (a), (b), (c), and (d) shall not apply to an appearance or communication made, or advice or aid rendered by a person employed at a facility described in subparagraph (B), if the appearance or communication is made on behalf of the facility or the advice or aid is provided to the contractor of the facility.

"(B) This paragraph applies to the following: Argonne National Laboratory, Brookhaven National Laboratory, Idaho National Engineering Laboratory, Lawrence Berkeley Laboratory, Lawrence Livermore National Laboratory, Los Alamos National Laboratory, National Renewable Energy Laboratory, Oak Ridge National Laboratory, Pacific Northwest Laboratory, and Sandia National Laboratories.".

(c) Section 27 of the Office of Federal Procurement Policy Act (41 U.S.C. 423) is amended by inserting the following new subsection:

"(q) NATIONAL LABORATORIES.—(1) The restrictions on obtaining a recusal contained in paragraphs (c)(2) and (c)(3) shall not apply to discussions of future employment or business opportunity between a procurement official and a competing contractor managing and operating a facility described in paragraph (3): *Provided*, That such discussions concern the employment of the procurement official at such facility.

"(2) The restrictions contained in paragraph (f)(1) shall not apply to activities performed on behalf of a facility described in paragraph (3).

"(3) This subsection applies to the following: Argonne National Laboratory, Brookhaven National Laboratory, Idaho National Engineering Laboratory, Lawrence Berkeley Laboratory, Lawrence Livermore National Laboratory, Los Alamos National Laboratory, National Renewable Energy Laboratory, Oak Ridge National Laboratory, Pacific Northwest Laboratory, and Sandia National Laboratories.".

SEC. 507. DOE MANAGEMENT.

(a) Section 202(a) of the Department of Energy Organization Act (42 U.S.C. 7132(a)) is amended by striking "Under Secretary" and inserting in its place "Under Secretaries".

(b) Section 202(b) of the Department of Energy Organization Act (42 U.S.C. 7132(b)) is amended to read as follows—

"(b) There shall be in the Department three Under Secretaries and a General Counsel, who shall be appointed by the President, by and with the advice and consent of the Senate, and who shall perform functions and duties the Secretary prescribes. The Under Secretaries shall be compensated at the rate for level III of the Executive Schedule under section 5314 of title 5, United States Code, and the General Counsel shall be compensated at the rate provided for level IV of the Executive Schedule under section 5315 of title 5, United States Code.".

SEC. 508. AMENDMENTS TO STEVENSON-WYDLER TECHNOLOGY INNOVATION ACT.

(a) Section 12(a) of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710a(a)) is amended by striking ", to the extent provided in any agency-approved joint work statement,".

(b) Section 12(b) of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710a(b)) is amended by striking ", to the extent provided in any agency-approved joint work statement,".

(c) Section 12(c)(5) of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710a(c)(5)) is amended—

(1) by amending subparagraph (C)(i) to read as follows:

"(C)(i) Any agency that has contracted with a non-Federal entity to operate a laboratory shall review and approve, request specified modifications to, or disapprove a cooperative research and development agreement that is submitted by the director of such laboratory within thirty days after such submission. If an agency has requested specific modifications to a cooperative research and development agreement, the agency shall approve or disapprove any resubmission of such cooperative research and development agreement within fifteen days after such resubmission. Except as provided in subparagraph (D), no agreement may be entered into by a Government-owned, contractor-operated laboratory under this section before approval of the cooperative research and development agreement.";

(2) by amending subparagraph (C)(ii) to read as follows:

"(ii) If an agency that has contracted with a non-Federal entity to operate a laboratory disapproves or requests the modification of a cooperative research and development agreement submitted under clause (i), the agency shall promptly transmit a written explanation of such disapproval or modification to the director of the laboratory concerned.";

(3) by amending subparagraph (C)(iii) to read as follows:

"(iii) Any agency that has contracted with a non-Federal entity to operate a laboratory shall develop and provide to such laboratory a model cooperative research and development agreement, and guidelines for using such an agreement, for the purposes of standardizing practices and procedures, resolving common legal issues, and enabling negotiation and review of a cooperative research and development agreement to be carried out in a routine and prompt manner.";

(4) by striking subparagraph (C)(iv);

(5) by amending subparagraph (C)(v) to read as follows:

"(iv) If an agency fails to complete a review under clause (i) within any of the specified time-periods, the agency shall submit to the Congress, within 10 days after the failure to complete the review, a report on the reasons for such failure. The agency shall, at the end of each successive 15-day period thereafter during which such failure continues, submit to Congress another report on the reasons for the continued failure.";

(6) by striking subparagraph (c)(vi); and

(7) by amending subparagraph (D) to read as follows:

"(D)(i) Any agency that has contracted with a non-Federal entity to operate a laboratory may permit the director of a laboratory to enter into a cooperative research and development agreement without the submission, review, and approval of the agreement under subparagraph (C)(i) if: the Federal share under the agreement does not exceed $500,000 per year, or any amount the head of the agency may prescribe; the text of the cooperative research and development agreement is consistent with a model agreement under subparagraph (C)(iii); the agreement is entered into in accord with the agency's guidelines under paragraph (C)(iii); and the agreement is consistent with and furthers an assigned laboratory mission.

"(ii) The director of a laboratory shall notify the head of the agency of the purpose and scope of an agreement entered into under this subparagraph. The agency shall include in its annual report required by section 11(f) of this Act (15 U.S.C. 3710(f)) an assessment of the implementation of this subparagraph including a summary of agreements entered into by laboratory directors under this subparagraph.".

(d) Section 12(d) of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710a(d)) is amended—

(1) in paragraph (1) by inserting "and" after the second semicolon;

(2) in paragraph (2)—

(A) by striking "substantial" before "purpose" in subparagraph (B);

(B) by striking "the primary purpose" and inserting "one of the purposes" in subparagraph (C); and

(C) by striking "; and" the second time it appears and inserting a period; and

(3) by striking paragraph (3).

SEC. 509. GUIDELINES.

The implementation of the provisions of this Act shall not be delayed pending the issuance of guidelines, policies or standards required by sections 1105, 1115 and 1116 of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.) as added by section 3 of this Act.

SEC. 510. AUTHORIZATION.

(a) In addition to funds made available for partnerships under section 1112 of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.) as added by section 3 of this Act, there is authorized to be appropriated from funds otherwise available to the Secretary:

(1) for partnership activities with industry in areas other than atomic energy defense activities $100,000,000 for fiscal year 1994, $140,000,000 for fiscal year 1995, $180,000,000 for fiscal year 1996 and 220,000,000 for fiscal year 1997; and

(2) for partnership activities with industry involving dual-use technologies within the Department's atomic energy defense activities $240,000,000 for fiscal year 1994, $290,000,000 for fiscal year 1995, $350,000,000 for fiscal year 1996 and $400,000,000 for fiscal year 1997.

(b) There is authorized to be appropriated to the Secretary for the Minority College and University Scholarship Program established in section 1119 of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.) as added by section 3 of this Act $1,000,000 for fiscal year 1994, $2,000,000 for fiscal year 1995 and $3,000,000 for fiscal year 1996.

(c) There is authorized to be appropriated to the Secretary for research or educational programs, carried out through partnerships or otherwise, and for related facilities and equipment that involve minority colleges or universities such sums as may be necessary.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Thomas, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

TERMINATION OF THE BLOCKING OF PANAMANIAN GOVERNMENT ASSETS—MESSAGE FROM THE PRESIDENT—PM 150

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with accompanying papers; which were referred to the Committee on Banking, Housing, and Urban Affairs:

To the Congress of the United States:

1. I hereby report to the Congress on developments since the last Presidential report on November 9, 1993, which have resulted in the termination of the continued blocking of Panamanian government assets. This is the final report with respect to Panama pursuant to section 207(d) of the International Emergency Economic Powers Act, 50 U.S.C. 1706(d).

2. On April 5, 1990, President Bush issued Executive Order No. 12710, terminating the national emergency declared on April 8, 1988, with respect to Panama. While this order terminated the sanctions imposed pursuant to that declaration, the blocking of Panamanian government assets in the United States was continued in order to permit completion of the orderly unblocking and transfer of funds that the President directed on December 20, 1989, and to foster the resolution of claims of U.S. creditors involving Panama, pursuant to 50 U.S.C. 1706(a). The termination of the national emergency did not affect the continuation of compliance audits and enforcement actions with respect to activities taking place during the sanctions period, pursuant to 50 U.S.C. 1622(a).

3. The Panamanian Transactions Regulations, 31 CFR Part 565 (the "Regulations"), were amended effective May 9, 1994, to foster the resolution of U.S. persons' claims against the Government of Panama arising prior to the April 5, 1990, termination date. (59 Federal Register 24643, May 12, 1994.) A copy of the amendment is attached. The amendment, new section 565.512, includes a statement of licensing policy indicating that the Department of the Treasury's Office of Foreign Assets Control ("FAC") would issue specific licenses authorizing the release of blocked Government of Panama funds at the request of that government to satisfy settlements, final judgments, and arbitral awards with respect to claims of U.S. persons arising prior to April 5, 1990. In addition, FAC stated that it would accept license applications from U.S. persons seeking judicial orders of attachment against blocked Government of Panama assets in satisfaction of final judgments entered against the Government of Panama, provided such applications are submitted no later than June 15, 1994.

4. No applications were received pursuant to this amendment for the purpose of obtaining judicial orders of attachment against blocked Government of Panama assets. Since the last report, however, specific licenses were issued at the request of the Government of Panama to unblock about $4.4 million to satisfy settlements reached with the vast majority of U.S. creditors by the Government of Panama. On September 9, 1994, the FAC gave notice to the public that the remaining blocked Government of Panama assets, approximately $2.1 million, would be unblocked effective September 16, 1994. (50 Federal Register 46720, September 9, 1994.) A copy of the notice is attached. Half of the $2.1 million had been held at the Federal Reserve Bank of New York at the request of the Government of Panama. The remaining amounts were held in blocked commercial bank accounts or in blocked reserved accounts established under section 565.509 of the Panamanian Transactions Regulations, 31 CFR 565.509. The remaining known claimants were informed that, prior to the unblocking, the Government of Panama and Air Panama had directed the transfer of $400,000 into a trust account administered by counsel to the Republic of Panama and Air Panama, as escrow agent, to be utilized toward resolution of the few remaining U.S. claims. This sum exceeds the face amount of the total of the known remaining claims.

5. With the unblocking on September 16, 1994, of Government of Panama funds that had been subject to the continued blocking, the sanctions program initiated to deal with the threat once posed by the Noriega regime in Panama is completed. However, enforcement action for past violations may still be pursued within the applicable statute of limitations.

6. The expenses incurred by the Federal Government during the period of the national emergency with respect to Panama from April 8, 1988, through April 5, 1990, that are directly attributable to the exercise of powers and authorities conferred by the declaration of a national emergency with respect to Panama are estimated to total about $2.225 million, most of which represents wage and salary costs for Federal personnel. Personnel costs were largely centered in the Department of the Treasury (particularly in the Office of Foreign Assets Control, the U.S. Customs Service, the Office of the Under Secretary for Enforcement, and the Office of the General Counsel), and the Department of State (particularly the Bureau of Economic and Business Affairs and the Office of the Legal Adviser).

WILLIAM J. CLINTON.

THE WHITE HOUSE, *October 3, 1994.*

1993 DEPARTMENT OF TRANSPORTATION REPORT ON ACTIVITIES UNDER THE HIGHWAY SAFETY ACT AND THE MOTOR VEHICLE SAFETY ACT OF 1966—MESSAGE FROM THE PRESIDENT—PM 151

The PRESIDING OFFICER laid before the Senate a message from the President of the United States, together with an accompanying report; which was referred to the Committee on Commerce, Science and Transportation:

To the Congress of the United States:

I transmit herewith the 1993 calendar year reports as prepared by the Department of Transportation on activities under the Highway Safety Act and the National Traffic and Motor Vehicle Safety Act of 1966, as amended (23 U.S.C. 401 note and 15 U.S.C. 1408).

WILLIAM J. CLINTON.

THE WHITE HOUSE, *October 3, 1994.*

ANNUAL REPORT OF THE FEDERAL LABOR RELATIONS AUTHORITY—MESSAGE FROM THE PRESIDENT—PM 152

The PRESIDING OFFICER laid before the Senate a message from the President of the United States, together with an accompanying report; which was referred to the Committee on Governmental Affairs:

To the Congress of the United States:

In accordance with section 701 of the Civil Service Reform Act of 1978 (Public Law 95–454; 5 U.S.C. 7104(e)), I have the pleasure of transmitting to you the Fifteenth Annual Report of the Federal Labor Relations Authority for Fiscal Year 1993.

The report includes information on the cases heard and decisions rendered by the Federal Labor Relations Authority, the General Counsel of the Authority, and the Federal Service Impasses Panel.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *October 3, 1994.*

MESSAGES FROM THE HOUSE

At 5:07 p.m., a message from the House of Representatives announced that the House has passed the following bills; in which it requests the concurrence of the Senate:

H.R. 546. An act to limit State taxation of certain pension income, and for other purposes;

H.R. 2902. An act to amend the District of Columbia Self-Government and Governmental Reorganization Act to revise and make permanent the use of a formula based on adjusted District General Fund revenues as the basis for determining the amount of the annual Federal payment to the District of Columbia, and for other purposes; and

H.R. 4781. An act to facilitate obtaining foreign-located antitrust evidence by authorizing the Attorney General of the United States and the Federal Trade Commission to provide, in accordance with antitrust mutual assistance agreements, antitrust evidence to foreign antitrust authorities on a reciprocal basis; and for other purposes.

At 6:19 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House has passed the following bills and joint resolution, in which it requests the concurrence of the Senate:

H.R. 3678. An act to authorize the Secretary of the Interior to negotiate agreements for the use of Outer Continental Shelf sand, gravel, and shell resources;

H.R. 4180. An act to prohibit the withdrawal of acknowledgment or recognition of an Indian tribe or Alaska Native group or of the leaders of an Indian tribe or Alaska Native group, absent an Act of Congress;

H.R. 4394. An act to provide for the establishment of mandatory State-operated comprehensive one-call systems to protect natural gas and hazardous liquid pipelines and all other underground facilities from being damaged by any excavations, and for other purposes;

H.R. 4460. An act to provide for conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes;

H.R. 5102. An act to amend title 18, United States Code, with respect to certain crimes relating to Congressional medals of honor; and

H.J. Res. 417. Joint resolution providing for temporary extension of the application of the final paragraph of section 10 of the Railway Labor Act with respect to the dispute between the Soo Line Railroad Company and certain of its employees.

The message also announced that the House has agreed to the following concurrent resolution; in which it requests the concurrence of the Senate:

H. Con. Res. 257. Concurrent resolution commending the work of the United States Labor Attaché Corps, and for other purposes.

The message further announced that the House has passed the following bill, with amendments; in which it requests the concurrence of the Senate:

S. 2372. An act to reauthorize for three years the Commission on Civil Rights, and for other purposes.

The message also announced that the House agreed to the amendment of the Senate to the bill (H.R. 734) to amend the Act entitled "An Act to provide for the extension of certain Federal benefits, services, and assistance to the Pascua Yaqui Indians of Arizona, and for other purposes."

The message also announced that the House agrees to the amendment of the Senate to the bill (H.R. 4217) to reform Federal crop insurance program and for other purposes, with an amendment; in which it requests the concurrence of the Senate.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

Mr. PELL, from the Committee on Foreign Relations, submitted the following report (No. 103–38) Convention on the Elimination of All forms of Discrimination Against Women to accompany Executive Report 96–2:

The Committee on Foreign Relations to which was referred the Convention on the Elimination of All Forms of Discrimination Against Women, adopted by the United Nations General Assembly on December 18, 1979, and signed on behalf of the United States of America on July 17, 1980, having considered the same, reports favorably thereon and recommends that the Senate give its advice and consent to ratification thereof subject to 4 reservations, 4 understandings, and 2 declarations as wet forth in this report and the accompanying resolution of ratification.

Resolved, (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Convention on the Elimination of All Forms of Discrimination Against Women, adopted by the United Nations General Assembly on December 18, 1979, and signed on behalf of the United States of America on July 17, 1980, (Executive R), subject to the following Reservations, Understandings and Declarations:

I. The Senate's advice and consent is subject to the following reservations:

(1) That the Constitution and laws of the United States establish extensive protections against discrimination, reaching all forms of governmental activity as well as significant areas of non-governmental activity. However, individual privacy and freedom from governmental interference in private conduct are also recognized as among the fundamental values of our free and democratic society. The United States understands that by its terms the Convention requires broad regulation of private conduct, in particular under Articles 2, 3 and 5. The United States does not accept any obligation under the Convention to enact legislation or to take any other action with respect to private conduct except as mandated by the Constitution and laws of the United States.

(2) That under current U.S. law and practice, women are permitted to volunteer for military service without restriction, and women in fact serve in all U.S. armed services, including in combat positions. However, the United States does not accept an obligation under the Convention to assign women to all military units and positions which may require engagement in direct combat.

(3) That U.S. law provides strong protections against gender discrimination in the area of remuneration, including the right to equal pay for equal work in jobs that are substantially similar. However, the United States does not accept any obligation under this Convention to enact legislation establishing the doctrine of comparable worth as that term is understood in U.S. practice.

(4) That current U.S. law contains substantial provisions for maternity leave in many employment situations but does not require paid maternity leave. Therefore, the United States does not accept an obligation under Article 11(2)(b) to introduce maternity leave with pay or with comparable social benefits without loss of former employment, seniority or social allowances.

II. The Senate's advice and consent is subject to the following understandings:

(1) That the United States understands that this Convention shall be implemented by the Federal Government to the extent that it exercises jurisdiction over the matters covered therein, and otherwise by the state and local governments. To the extent

that state and local governments exercise jurisdiction over such matters, the Federal Government shall, as necessary, take appropriate measures to ensure the fulfillment of this Convention.

(2) That the Constitution and laws of the United States contain extensive protections of individual freedom of speech, expression and association. Accordingly, the United States does not accept any obligation under this Convention, in particular under Articles 5, 7, 8 and 13, to restrict those rights, through the adoption of legislation or any other measures, to the extent that they are protected by the Constitution and laws of the United States.

(3) That the United States understands that Article 12 permits States Parties to determine which health care services are appropriate in connection with family planning, pregnancy, confinement and the postnatal period, as well as when the provision of free services is necessary, and does not mandate the provision of particular services on a cost-free basis.

(4) That nothing in this Convention shall be construed to reflect or create any right to abortion and in no case should abortion be promoted as a method of family planning.

III. The Senate's advice and consent is subject to the following declarations:

(1) That the United States declares that, for purposes of its domestic law, the provisions of the Convention are nonselfexecuting.

(2) That with reference to Article 29(2), the United States declares that it does not consider itself bound by the provisions of Article 29(1). The specific consent of the United States to the jurisdiction of the International Court of Justice concerning disputes over the interpretation or application of this Convention is required on a case-by-case basis.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. INOUYE, from the Committee on Indian Affairs, with an amendment in the nature of a substitute:

S. 2075. A bill to amend the Indian Child Protection and Family Violence Prevention Act to reauthorize and improve programs under the Act (Rept. No. 103–394).

By Mr. GLENN, from the Committee on Governmental Affairs, without amendment and an amendment to the title:

H.R. 512. A bill to amend chapter 87 of title 5, United States Code, to provide that group life insurance benefits under such chapter may, upon application, be paid out to an insured individual who is terminally ill, and for other purposes (Rept. No. 103–395).

By Mr. GLENN, from the Committee on Governmental Affairs, without amendment:

H.R. 3499. A bill to amend the Defense Department Overseas Teachers Pay and Personnel Practices Act (Rept. No. 103–396).

By Mr. GLENN, from the Committee on Governmental Affairs, with an amendment in the nature of a substitute and an amendment to the title:

H.R. 4822. A bill to make certain laws applicable to the legislative branch of the Federal Government (Rept. No. 103–397).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mrs. MURRAY:

S. 2492. A bill to ensure that all timber-dependent communities qualify for loans and grants from the Rural Development Administration; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. GREGG:

S. 2493. A bill to improve senior citizen housing safety; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. PRESSLER:

S. 2494. A bill to amend title 18 of the United States Code regarding false identification documents; to the Committee on the Judiciary.

By Mr. MURKOWSKI (for himself, Mr. BOND, Mr. CHAFEE, Mr. COCHRAN, Mr. COVERDELL, Mr. CRAIG, Mr. D'AMATO, Mr. DECONCINI, Mr. DORGAN, Mr. DURENBERGER, Mr. FEINGOLD, Mr. GORTON, Mr. INOUYE, Mr. HATCH, Mr. HELMS, Mr. JEFFORDS, Mr. KOHL, Mr. LAUTENBERG, Mr. LEAHY, Mr. LEVIN, Mr. LUGAR, Mr. MACK, Mr. MCCAIN, Ms. MOSELEY-BRAUN, Mr. ROBB, Mr. ROCKEFELLER, Mr. SHELBY, Mr. SIMON, Mr. SPECTER, Mr. STEVENS, Mr. THURMOND, and Mr. WOFFORD):

S. 2495. A bill to establish a congressional commemorative medal for organ and tissue donors and their families; to the Committee on Banking, Housing, and Urban Affairs.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. BOND (for himself, Mr. D'AMATO, and Mr. GORTON):

S. Con. Res. 76. A concurrent resolution expressing the sense of the Congress that the Department of Housing and Urban Development should not interfere with the exercise of the right of free speech, the right of free association, or the right to petition the Government for a redress of grievances; to the Committee on Banking, Housing, and Urban Affairs.

STATEMENT ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mrs. MURRAY:

S. 2492. A bill to ensure that all timber-dependent communities qualify for loans and grants from the Rural Development Administration; to the Committee on Agriculture, Nutrition, and Forestry.

RURAL DEVELOPMENT AMENDMENTS

Mrs. MURRAY. Mr. President, I rise today to introduce legislation that will put in place an important piece of the Northwest Economic Adjustment Initiative. This bill is important to my State and region because it makes an existing program work better for people working to transition historically timber-dependent economies.

One of the centerpieces of the Northwest Economic Adjustment Initiative is the Rural Development administration. This agency administers many programs tailored specifically to foster small business growth and community development in small town America. There are three programs in particular—essential community facilities loans, business enterprise loans, and business enterprise grants—that have been targeted on the Pacific Northwest. Unfortunately, these programs are tailored in such a way that some communities fall through the cracks. Some towns, such as Aberdeen and Pt. Angeles on the Olympic Peninsula, are not eligible for funds under these programs because of arbitrary population standards.

This bill repairs this flaw in the law. It does this by requiring special consideration of communities having populations of not more than 25,000. If this bill is enacted into law, Pt. Angeles and Aberdeen, as well as other towns in the region, will be eligible for grants and loans under the programs I mentioned above.

The Clinton administration has been working diligently since last year with the governors of Washington, Oregon, and California to identify existing programs, improvements to such programs, and other initiatives that communities can use to help chart an economic course for the future. As part of his economic diversification program, he proposed, and the Senate has approved, significant increases in RDA appropriations. But the joint Federal-State working group also identified changes that could make the program work better. Today we propose to make such a change.

Under these amendments to the Rural Development Act, towns and counties in rural areas adjacent to national forests, and people within them, will have access to needed resources. These programs makes sense: it puts resources in the hands of people who know what to do with them; it minimizes overhead; and focuses narrowly on the problems without a lot of red tape.

Mr. President, I would like to commend the excellent work of Senator LEAHY of Vermont, the chairman of the Agriculture Committee, and his staff in helping put this bill together. This is a good bill, and I urge all my colleagues to support its passage.

By Mr. GREGG:

S. 2493. A bill to improve senior citizen housing safety; to the Committee on Banking, Housing, and Urban Affairs.

SENIOR CITIZENS HOUSING SAFETY ACT

• Mr. GREGG. Mr. President, today I am introducing the Senior Citizens Housing Safety Act, a bill that will end the terror that unfortunately runs rampant throughout many housing projects specifically designated for elderly and disabled residents. In my home State of New Hampshire, most people are still afforded the luxury of not having to lock their front door before turning in for the evening. However, many elderly residents of public

housing facilities in my State and across America have been forced to not only lock their front doors, but are literally being held prisoner in their own homes. I believe this is outrageous. I have received numerous complaints from residents of elderly housing facilities throughout New Hampshire who are worried about their personal safety in housing specifically reserved for them.

Under current housing laws nonelderly persons considered disabled, because of past drug and alcohol abuse problems, are eligible to live in section 8 housing designated for the elderly. This mixing of populations may have filled up the housing projects across the country, but it has opened a Pandora's Box of trouble. Simply put, young, recovering alcoholics and drug addicts are not compatible with elderly persons. Many of these young people hold all night, loud parties, shake down many of the elderly residents for money, sell drugs within the housing facility, and generally disturb the right to the peaceful enjoyment of the premises by other tenants.

This problem has occurred because the definition of handicapped under the Fair Housing Act was amended in 1988 to include recovering alcoholics and drug addicts. Under the mixed population rules of 1992, Congress determined that the elderly and disable should be housed together. Historically, disabled individuals have lived in complexes for the elderly because the apartments there—one-bedroom units equipped with such features as handrails—best fit their needs. However, drug addicts and alcoholics who are considered disabled do not have the same needs. Many elderly persons hope to retire in a community surrounded by persons their won age, elderly people who choose to live a peaceful existence in the company of their peers. I want to restore that hope and this legislation will attack this problem with a two-tier approach.

First, my legislation will institute a front-end screening process. This will prevent nonelderly individuals, classified as disabled because they are recovering from alcoholism and drug addiction, from becoming eligible for housing that is designated for the elderly. It simply says they cannot live in housing designated for the elderly. Additionally, it will prevent the further mixing of two groups that are obviously incompatible. This will not, however, exclude these nonelderly, disabled individuals from the housing I believe they need and deserve.

Second, my legislation will force local public housing agencies to evict nonelderly individuals occupying the facility who engage on three separate documented occasions in activities that threaten the health, safety, or right to peaceful enjoyment of the premises by other tenants and involves the use of drugs or alcohol.

This process, by no means circumvents the current housing eviction procedure. Under current law the public housing agency could evict these persons after one infraction if deemed necessary. It simply mandates that these nonelderly individuals be evicted after three incidents which threaten the health, safety, or right to peaceful enjoyment of the premises by other tenants.

This is a simple bill that prevents the mixing of two populations who have proved incompatible.

This bill will restore order in housing projects designated for elderly and disabled tenants by screening out nonelderly alcoholics and drug addicts, as well as evicting those nonelderly persons who continuously raise havoc within the housing project. I urge my colleagues to support this important bill. I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2493

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Senior Citizen Housing Safety Act".

SEC. 2. SENIOR CITIZEN HOUSING SAFETY.

(a) LIMITATION ON OCCUPANCY IN PUBLIC HOUSING DESIGNATED FOR ELDERLY FAMILIES.—

(1) IN GENERAL.—Section 7(a) of the United States Housing Act of 1937 (42 U.S.C. 1437e(a)) is amended—

(A) in paragraph (1), by striking "Notwithstanding any other provision of law" and inserting "Subject only to the provisions of this subsection";

(B) in paragraph (4), by inserting ", except as provided in paragraph (5)" before the period at the end; and

(C) by adding at the end the following new paragraph:

"(5) LIMITATION ON OCCUPANCY IN PROJECTS FOR ELDERLY FAMILIES.—

"(A) OCCUPANCY LIMITATION.—Notwithstanding any other provision of law, a dwelling unit in a project (or portion of a project) that is designated under paragraph (1) for occupancy by only elderly families or by only elderly and disabled families shall not be occupied by—

"(i) any person with disabilities who is not an elderly person and whose history of use of alcohol or drugs constitutes a disability; or

"(ii) any person who is not an elderly person and whose history of use of alcohol or drugs provides reasonable cause for the public housing agency to believe that the occupancy by such person may interfere with the health, safety, or right to peaceful enjoyment of the premises by other tenants.

"(B) REQUIRED STATEMENT.—A public housing agency may not make a dwelling unit in such a project available for occupancy to any person or family who is not an elderly family, unless the agency acquires from the person or family a signed statement that no person who will be occupying the unit—

"(i) uses (or has a history of use of) alcohol; or

"(ii) uses (or has a history of use of) drugs; that would interfere with the health, safety, or right to peaceful enjoyment of the premises by other tenants.".

(2) LEASE PROVISIONS.—Section 6(l) of the United States Housing Act of 1937 (42 U.S.C. 1437d(l)) is amended—

(A) in paragraph (5), by striking "and" at the end;

(B) by redesignating paragraph (6) as paragraph (7); and

(C) by inserting after paragraph (5) the following new paragraph:

"(6) provide that any occupancy in violation of the provisions of section 7(a)(5)(A) or the furnishing of any false or misleading information pursuant to section 7(a)(5)(B) shall be cause for termination of tenancy; and".

(b) EVICTION OF NONELDERLY TENANTS HAVING DRUG OR ALCOHOL USE PROBLEMS FROM PUBLIC HOUSING DESIGNATED FOR ELDERLY FAMILIES.—Section 7(c) of the United States Housing Act of 1937 (42 U.S.C. 1437e(c)) is amended to read as follows:

"(c) STANDARDS REGARDING EVICTIONS.—

"(1) LIMITATION.—Any tenant who is lawfully residing in a dwelling unit in a public housing project may not be evicted or otherwise required to vacate such unit because of the designation of the project (or a portion of the project) pursuant to this section or because of any action taken by the Secretary or any public housing agency pursuant to this section.

"(2) REQUIREMENT TO EVICT NONELDERLY TENANTS FOR 3 INSTANCES OF PROHIBITED ACTIVITY INVOLVING DRUGS OR ALCOHOL.—With respect to a project (or portion of a project) described in subsection (a)(5)(A), the public housing agency administering the project shall evict any person who is not an elderly person and who, during occupancy in the project (or portion thereof), engages on 3 separate occasions (occurring after the date of the enactment of the Housing and Community Development Act of 1994) in any activity that threatens the health, safety, or right to peaceful enjoyment of the premises by other tenants and involves the use of alcohol or drugs.

"(3) RULE OR CONSTRUCTION.—The provisions of paragraph (2) requiring eviction of a person may not be construed to require a public housing agency to evict any other persons who occupy the same dwelling unit as the person required to be evicted.".●

By Mr. PRESSLER:

S. 2494. A bill to amend title 18 of the United States Code regarding false identification documents; to the Committee on the Judiciary.

FALSE IDENTIFICATION ACT

Mr. PRESSLER. Mr. President, I am pleased to introduce legislation designed to attack a growing problem: the use of false identification documents [IDs] by young people under 21 years of age.

Several years ago, Congress conditioned Federal highway funding on the requirement that States have a minimum drinking age of at least 21 years. Since then, all 50 States have come into compliance. One consequence has been a dramatic increase in the use of false ID's by young people under 21 years of age to illegally purchase alcoholic beverages. An underground black market supplying cheap documents has developed to satisfy this demand. The prevalence of counterfeit ID's poses a

growing menace to the licensed beverage industry. It is time for Congress to act on this problem.

The bill I am introducing today attacks this problem in three ways. First, it reduces, from five to three, the number of false identification documents that must be in an individual's possession before a prison sentence, a fine, or both, can be imposed under Federal law. Second, it requires a prison sentence, a fine, or both for anyone convicted of using the mail to send a false ID to someone under 21 years of age. Third, the bill directs the U.S. Attorney General to establish a temporary pilot program for States to adopt an ID that is resistant to counterfeiting and tampering.

Mr. President, let me explain each of these provisions in more detail. The first provision tightens current Federal law which provides penalties for knowingly possessing or transferring unlawfully five or more false identification documents. The number of false IDs necessary to trigger this law would be reduced from five to three. Someone convicted under this provision would face a fine of up to $15,000, imprisonment of up to 3 years, or both.

This bill is not directed at someone under 21 years of age who possesses one or two false ID's. These days, it is far too easy and cheap to buy a fake ID. A recent report by the U.S. Department of Health and Human Services stated that minors can get State driver's license in Times Square in New York City for $10 to $15 each. Young people always have attempted to buy alcohol at an early age. I doubt Congress can do anything to stop this practice.

But Congress can make false documents more difficult to obtain by cracking down on those in the business of illegally producing and transferring false ID's. By stiffening federal penalties, high-volume production and distribution of false ID's should be deterred.

The second provision of this bill creates a new penalty for using the mails to distribute false ID's. Under this provision, anyone who knowingly sends an identification document showing an individual to be 21 years old or older through the mails—without first verifying the individual's actual age—can be imprisoned for up to 1 year, be fined, or both. Verification can be satisfied by viewing a certification or other written communication confirming the age of the individual being identified.

This provision attempts to stem the interstate distribution of false ID's. Forty-six States currently have laws prohibiting youths from misrepresenting their age in order to purchase alcohol. But nothing prohibits minors from obtaining false ID's from other States through the mail. Tough Federal action is necessary. This provision will affect businesses specializing in mail-order false ID's.

The final provision of this bill directs the U.S. Attorney General to establish a pilot program in three States to develop and study identification documents which are resistant to counterfeiting and tampering. Five million dollars over 3 fiscal years is authorized for this purpose. After 3 years, the Attorney General shall report to Congress on the performance of the pilot program and recommend whether to extend the program to all States on a voluntary or mandatory basis.

This last provision is critical to solving the problems presented by false identification documents. With modern computer graphic programs, counterfeiting a driver's license is child's play for a sophisticated computer user. Today's Washington Times contains a front-page article entitled "Fake ID's Surmount High-Tech Obstacles: Underage Drinkers Flock To Buy Them". The article describes how easily falsified identification documents can be created by computers and the steps various States are taking in response. Maryland driver's licenses now include a hologram, two separate pictures and a magnetic strip in an effort to make counterfeiting more difficult. However, even these measures are being duplicated with relative ease.

Newer techniques must be explored and developed if this homegrown industry is going to be defeated. Creating an identification card which is difficult to counterfeit and virtually tamperproof would have far-reaching implications in other areas as well. Illegal immigrants no longer would be able to defraud Federal and State governments of untold amounts per year. Welfare fraud could be reduced substantially. This modest investment has the potential to save taxpayers billions of dollars each year.

To conclude, Mr. President, let me say this legislation has the support of the National Licensed Beverage Association and the South Dakota Retail Liquor Dealers Association. I urge my colleagues to join them in supporting this legislation.

I further ask that an article from the Washington Times be included in the RECORD at this point. I also ask consent that the bill be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2494

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "False Identification Act of 1994".

SEC. 2. MINIMUM NUMBER OF DOCUMENTS FOR CERTAIN OFFENSE.

Section 1028 of title 18, United States Code, is amended—

(1) in subsection (a)(3), by striking "five" and inserting "3"; and

(2) in subsection (b)(1)(B), by striking "five" and inserting "3".

SEC. 3. REQUIRED VERIFICATION OF MAILED IDENTIFICATION DOCUMENTS.

(a) IN GENERAL.—Chapter 83 of title 18, United States Code, is amended by adding at the end the following:

"§ 1739. Verification of identification documents

"(a) Whoever knowingly sends through the mails any unverified identification document which bears a birth date—

"(1) purporting to be that of the individual named in the document; and

"(2) showing that individual to be 21 years of age or older;

when in fact that individual has not attained the age of 21 years, shall be fined under this title or imprisoned not more than one year, or both.

"(b) As used in this section—

"(1) the term 'unverified', with respect to an identification document, means that the sender has not personally viewed a certification or other written communication confirming the age of the individual to be identified in the document from—

"(A) a governmental entity within the United States or any of its territories or possessions; or

"(B) a duly licensed physician, hospital, medical clinic within the United States; and

"(2) the term "identification document" means a card, certificate, or paper intended to be used primarily to identify an individual.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 83 of title 18, United States Code, is amended by adding at the end the following new item:

"1739. Verification of identification documents.".

(c) CONFORMING AMENDMENT.—Section 3001(a) of title 39, United States Code, is amended by striking "or 1738" and inserting "1738, or 1739".

SEC. 4. PILOT PROGRAM ON USE OF CERTAIN DRIVERS' LICENSES AS DOCUMENTS ESTABLISHING BOTH EMPLOYMENT AUTHORIZATION AND IDENTITY.

(a) IN GENERAL.—The Attorney General shall establish a pilot program under which, in the case of up to three States which provide for the issuance of drivers' licenses (and related identification documents) in accordance with a system described in subsection (b), a driver's license or similar identification document issued by the States in accordance with subsection (b) shall be treated, for purposes of section 274A(b) of the Immigration and Nationality Act, as a document described in paragraph (1)(B) of such section.

(b) SYSTEM REQUIREMENTS.—The system for the issuance of licenses or documents must—

(1) be in a form which is resistant to counterfeiting and tampering, such as tamperproof laminates and photographs, holograms, or magnetic stripes containing such data as physical characteristics;

(2) include on the driver's license or other form of identification the applicant's social security account number, which number the State has confirmed with the Social Security Administration as being the number issued to the applicant; and

(3) require that an applicant for a driver's license or other form of identification be issued a temporary driver's license or other form of identification upon demonstrating qualification therefore, and that the driver's license or other form of identification be mailed to the residence address of the applicant after a waiting period of no more than 30 days in which the State has used reasonable means to confirm the identification information presented by the applicant.

(c) REPORT.— Not later than 3 years after the date of the enactment of this Act, the Attorney General shall submit a report to the Congress on the performance of the pilot program under this section and on whether such program should be extended (on a voluntary or mandatory basis) to all States.

(d) AUTHORIZATION OF APPROPRIATIONS.— There are authorized to be appropriated $5,000,000 to carry out the purposes of this section for each of fiscal years 1995, 1996, and 1997.

[From the Washington Times, Oct. 3, 1994]

FAKE IDS SURMOUNT HIGH-TECH OBSTACLES— UNDERAGE DRINKERS FLOCK TO BUY THEM

(By Matt Neufeld)

The high-tech revolution has helped boost one local cottage industry with a potentially lethal product: fake identification cards for underaged drinkers.

Illegal, falsified ID cards are prevalent among underage drinkers, especially college students, and their production flourishes no matter how many steps authorities take to make them difficult to copy, police and government officials say.

"Fake IDs are rampant," said Trina Leonard, an aide to Montgomery County Council member Gail Ewig, who is also chairwoman of the Maryland Underage Drinking Prevention Coalition. "Fake IDs are an enormous problem among teen-agers because they frequently are a passport to death and injury for kids."

The use and manufacture of fake IDs has been a concern of parents, police and state motor vehicle authorities for decades. The problem surfaced again after Friday's announcement that three of the four Walt Whitman High School girls involved in the Sept. 6 double-fatal car crash in Potomac were carrying fake IDs.

The girls did not use their IDs that night, Montgomery County police said, but relied instead on another way in which teens procure alcohol: They had an adult buy 2½ cases of beer for them from a liquor store in Georgetown the night of the crash.

One mother of a boy who knew the girls later found four different phony IDs in her own son's wallet, she told friends.

Even as states take dozens of precautions in preparing high-technology licenses designated to be difficult to copy, technology-savvy students and underground counterfeiters match the authorities' steps in meticulous and frustrating ways.

"It continues to be a problem, because, as police say, no matter how tough they get, kids are smart and they always find a way to get them," said Tim Kime, a spokesman for the Washington Regional Alcohol Program, a private advocacy group.

"We live in the age of computers, and you can do wonderful things with a computer. You get the right background [cloth], the picture, the laminator, and you've got a pretty good ID," said Sgt. David Dennison, who heads the Prince George's County police collision analysis and reconstruction unit. The unit's responsibilities include drunken driving and underage drinking.

"You bet there's some computer geniuses out there at these colleges who find it very easy to do," Sgt. Dennison said. "If they can print money with computers, driver's licenses aren't that hard."

In the Potomac crash, driver Elizabeth Clark, 16, and a front seat passenger, Katherine Zirkle, 16, were killed when Elizabeth's 1987 BMW hit a tree along River Road at 12:55 a.m.

Two friends riding in the back seat, Elinor "Nori" Andres, 15, and Gretchen Sparrow, 16, were hospitalized with serious injuries but were released last week.

Police said Elizabeth had a blood-alcohol level of .17 percent, nearly double the .10 percent level that state law defines as driving while intoxicated. Katherine's blood-alcohol level as .03 percent, police said.

In Maryland, minors with a blood-alcohol level of .02 percent can have their licenses taken on the spot.

Detecting homegrown phony IDs isn't always easy, authorities say.

"In fact, some police officers on the street couldn't tell the different unless they thoroughly examine them. You can be fooled," said Sgt. John Daly of the Metropolitan Police check and fraud division.

Earlier this year, Maryland introduced driver's licenses with holograms, two separate pictures and a magnetic strip in an effort to counter the counterfeiters.

"But the kids are duplication those," said Ms. Leonard, the Montgomery council aide. "A police officer told me that [soon] after those came out, a kid took electrical tape and put it on fake ID."

Although many high school students have fake IDs, police find that most of them are manufactured, distributed and used by college students. The IDs are bought, sold and distributed through an underground black market spread by word of mouth.

Area students often make or procure fake IDs in the form of licenses from far-away states such as Iowa or Kansas, thinking local businesses won't know the difference. A widely known legal guidebook available to businesses shows up-to-date pictures of licenses from every state, but police say that many merchants are too lazy to consult it.

THREE CHARGED IN FAKE-ID SCAM

CHARLOTTESVILLE.—Three former University of Virginia students have been charged in what police said was a scheme to pass stolen student identification cards and fraudulent checks.

Police at the University of North Carolina at Chapel Hill said the ring operated in two states. Based in Charlottesville, it included several former members of Alpha Phi Alpha, a service fraternity at the University of Virginia that was suspended in 1992 after a hazing incident.

Investigators believe the students stole about 400 UNC–Chapel Hill ID cards in January to pass stolen or counterfeited checks and to get state ID cards in North Carolina and Virginia.

North Carolina authorities last week charged Canu C. DiBona, 21, of Durham, N.C., with one count of felony financial transaction card theft. Marcus A. Tucker, 23, of Charlottesville was arrested Sept. 15 on several charges, including felony financial transaction card theft and two counts of forgery.

Authorities said Phillipe Zamore, 21, also of Charlottesville also was implicated in the scheme. He was arrested in April and charged with felony larceny after attempting to use an illegally obtained credit card at a University of Virginia bookstore.

Authorities said more arrests are expected.

Investigators said the cards reportedly have turned up as far away as New York and Florida. Near the UNC-Chapel Hill campus alone, the ring has used up to $20,000 in bad checks, Lt. Clay Williams of the campus police said.

Police said members of the alleged ring used sophisticated equipment to read information on magnetic tape on the backs of the IDs, and even printed their own checks with a laser printer.

"All these kids are smart—that's what's striking about this," Lt. Williams said. "We have very intelligent young men—extremely computer literate, highly articulate—that could be upstanding professionals in the community, but instead they chose the lure of fast money."

By Mr. MURKOWSKI (for himself, Mr. BOND, Mr. CHAFEE, Mr. COCHRAN, Mr. COVERDELL, Mr. CRAIG, Mr. D'AMATO, Mr. DECONCINI, Mr. DORGAN, Mr. DURENBERGER, Mr. FEINGOLD, Mr. GORTON, Mr. INOUYE, Mr. HATCH, Mr. HELMS, Mr. JEFFORDS, Mr. KOHL, Mr. LAUTENBERG, Mr. LEAHY, Mr. LEVIN, Mr. LUGAR, Mr. MACK, Mr. MCCAIN, Ms. MOSELEY-BRAUN, Mr. ROBB, Mr. ROCKEFELLER, Mr. SHELBY, Mr. SIMON, Mr. SPECTER, Mr. STEVENS, Mr. THURMOND, and Mr. WOFFORD):

S. 2495. A bill to establish a congressional commemorative medal for organ and tissue donors and their families; to the Committee on Banking, Housing, and Urban Affairs.

GIFT OF LIFE CONGRESSIONAL MEDAL

• Mr. MURKOWSKI. Mr. President, I introduce legislation to create a Gift of Life Congressional Medal. I am pleased that Senator ROCKEFELLER and 29 of my colleagues are cosponsoring this bill. This medal will recognize the compassion and courage of organ and tissue donating families and encourage others to make a similar sacrifice. Each day eight Americans on organ transplant lists will die. In addition, every 20 minutes another name is added to the list of those awaiting transplants. The need for organ and tissue donors is serious and becoming more desperate with each passing day.

Many of us ask; how much can one person matter? A single organ and tissue donor can touch the lives of 50 or more people. Donated kidneys can spare two recipients a lifetime of dialysis. The heart, liver, and lungs can save the lives of four more people. Donated corneas can give two people the gift of sight. Donated bone allows surgeons to repair injured joints or limbs threatened by cancer or trauma. Skin grafts will save burn victim's lives and speed their healing.

This bill will authorize the Treasury to strike a medal to be presented to the families of organ and tissue donors. Each family of an organ or tissue donor would be offered the medal and would have the option of accepting or declining it. Documentation of eligibility would be submitted to the Secretary of the Treasury by the individual, family or procurement agency, on behalf of the donating family. The Gift of Life medal would be fully funded by private donations and recognize donors and their families at no cost to the Treasury.

By recognizing the generosity of donating families, a Gift of Life commemorative medal could increase the

number of organ and tissue donations and save lives as well as money. Thousands of beneficiaries have been removed from Medicare's End Stage Renal Disease Program after successful kidney transplants. Yet, 20,000 patients remain on dialysis at the cost of $390 million per year in Federal Medicare dollars.

This bill is the brainchild of Donmichael Taube, of Chicago, IL, the recipient of a kidney transplant. Because of organ transplant network rules all organ and tissue donations are made anonymously. Donmichael has sought a way for transplant recipients to thank those who have been so generous. The Gift of Life commemorative medal would be one way that our country can express our gratitude to the donors and their families on behalf of the recipients. In addition, by creating and awarding this medal, Congress can draw attention to the desperate need for organ and tissue donors.

This proposal is similar to H.R. 1012 proposed by Representative PETE STARK, with one important difference. My bill, at the recommendation of Jens Saakvitne and David McGuire, medical doctors of Life Alaska, Inc., would expand the scope of Representative STARK's bill to include tissue donors. As they stated in a letter to me:

> it seems inappropriate to treat donor families differently in thanking them when the family has no control over the manner of death that decides what donation options can be presented. Each family gave all they could in order to save the life or livelihood of another human being.

Life Alaska, Inc., based in Anchorage, is Alaska's only nonprofit tissue donation agency.

I would also like to submit for the RECORD an article published in Encore Magazine detailing the story of just one organ donor family. One of my staff members had the opportunity to speak with the author of this article, Susan Warwick. Since the death of her son and the subsequent decision to donate his organs, Susan has become a staunch advocate for organ donation. She stated that in her experience too often donating families receive little or no feedback about the success and progress of the organ recipients. In her opinion the Gift of Life Congressional Medal would be an excellent way for the country to convey our gratitude and respect to the donating families.

I would also like to submit for the RECORD just three of the many letters that my office has received supporting this legislation.

There are many pieces to the transplantation puzzle: Procurement police, organ and tissue procurement networks, immunosuppressive drugs, and gifted medical teams, but they mean nothing without the most important piece of the transplantation puzzle—the organ or tissue donors and their families. These brave people, in their time of greatest need, reach out to complete strangers and offer the ultimate gift—the gift of life. The Gift of Life Congressional Medal will encourage that final piece of the puzzle to fall into place by recognizing the contribution of donors to their fellow Americans and to our country. I urge my colleagues to join me as original cosponsors to the Gift of Life Congressional Medal Act.

I ask unanimous consent that additional material be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

ANDY'S STORY

(By Susan B. Warwick)

It was 1992, and one of those cloudy, humid days in July that linger in the midwest. My "almost 18-year-old" son, Andy, was getting ready for work—a construction job that he loved because it was working for his girlfriend's father. Andy was going to take his new motorcycle to Lisa's house and follow her dad to the site. Fate intervened tragically.

The police arrived at my work around 8 a.m. to tell me that my son had been in an accident. The doctors at Terre Haute (Indiana) Union Hospital needed me immediately.

Andy had been riding motorcycles and scooters for several years. He was a safe motorcycle driver. He took the local motorcycle safety course and always wore his helmet. I never worried about him on his cycle; behind the wheel of my car, he was dangerous! So, although I knew it must be serious, I did not dream that on this day I would live through every parent's nightmare.

I rushed into the emergency ward and was ushered to a private room. There, waiting, was a nurse, doctor, and police officer. The medical staff explained what happened to Andy and let me be with him. As soon as I saw him I knew that my first born son would not make it through the day. I suppose a mother knows these things. The young doctor said Andy's condition was critical. "There's always hope. But, if the worst happens, would you consider organ donation?" I don't think I let him finish his question.

"Of course! Take anything you can! Andy and I have always talked about organ donation. It's what we both would want."

That was the easiest thing I had to think about that day. I didn't realize until later how lucky I was simply because Andy and I did talk about it; I didn't have to make an unprepared decision. It was a "given."

As he progressed, Andy was transferred to the intensive care unit. Andy's father, stepmother, and my 16-year-old son, Scott, lived in Birmingham, Alabama. They rushed to the airport and arrived in Terre Haute by late afternoon. Unfortunately, Lisa was vacationing in Mexico and couldn't come home immediately.

Nurses gave us a special room close to my son. They explained the procedures for organ donation and the system that the Indiana Organ Procurement Organization (IOPO) followed. I gratefully signed the papers that allowed the (IOPO) to take all organs, bones, eyes and skin. I found out that the IOPO pays for all bills after the declaration of brain death. I learned the hospital's procedure for determining brain death and was allowed to watch the testing. Ice water was injected in my son's ear while the medical staff looked for any reaction in the eyes. Believe me, if Andy was alive, he would have reacted. Scott had his own way of knowing Andy was brain dead. It had to do with your pretty blonde nurse bending close to Andy's face.

"Andy would have reacted to her, Mom, if he was alive." This, of course, we didn't tell Lisa.

A LONG DAY ENDS

Other tests to determine brain death were done late in the afternoon. One checked if Andy could breathe without a ventilator. He could. This meant there was still enough blood getting to his brain stem to keep his body going. I had mixed emotions. I didn't want to see my son die, but life without movement, without being able to hold his girlfriend or hug his mom, would not be the kind of life my very intense son would want.

At 11:30 that night, the problem was resolved. Andy did not breathe when removed from the respirator. My son, Michael Andrew Rawlings, lover of the sea, all animals (including the slithery kind); the theater, and life was dead.

We were encouraged to say our "goodbyes," and we wearily left. The nursing staff kept me posted throughout the next day. In the middle of the night, IOPO came and started the long process of matching Andy's organs to recipients. The next evening, it was all over. The burial was two days later, allowing Lisa to come home.

At least it was over for Andy. The story would continue at the Indiana transplant centers where the recipients of his organs underwent long surgeries that would offer them a chance for life.

Andy donated his heart, both lungs, both kidney's, leg bones, bone marrow, every other rib, skin and corneas. We still were able to have an open casket.

Nine days later, I received a letter from IOPO. Andy's heart went to a young mother of two boys. She got heart disease when she was pregnant with her youngest. In the last year, since her transplant, she received her college degree. His lungs went to two older women who were both on oxygen. Unfortunately, they died in December—not from organ rejection—but from other complications. At least they were given five more months of life. One of my son's kidneys went to a man who lived to race cars. He has now been approved to return to work and, I'm sure, is looking forward to going to the racetrack.

Andy's other kidney went to a 15-year-old boy who had been on dialysis for five years. Our hearts went out to this young man. At first, doctors feared it would be rejected. My November letter from IOPO said he made it through! That news brightened what was still a dreary period. The bones went to orthopedic centers and skin to burn centers across Indiana. I was sorry Andy could not donate his liver or pancreas for whatever reason, but I concentrated on the "gift of life" that he gave to so many others.

You see, as a scuba diver, Andy wanted to go into the Coast Guard either in drug enforcement (every mother's dream!) or search and rescue. He always wanted to save people's lives.

Yes, my son is dead. But I feel this is a fitting end for him. He saved three lives, gave additional time to two others, gave sight to some who could not see, helped broken bones heal, and eliminated some pain and disfigurement in burn patients.

STAYING FOCUSED

That's Andy's story. How did I handle all of this? Naturally, I wouldn't wish this on

my worst enemy, but the entire process of organ donation kept me focused on a more acceptable horizon than my son's death. On that terrible day, I learned there had been only four organ donors in the city in two years. I expected thousands—well at least, hundreds! Organ donation became my banner.

I was directed to a group, Organ Donation Awareness Council, that included mostly transplant recipients and medical staff. I became, I hope, the first of many Donor Moms. The Council's purpose is awareness and education. Perfect! I was more than ready to start what later would become my life.

Five weeks after the accident, I started speaking to community and professional groups. The first program was very difficult. My eyes were watery, nose dripping, I couldn't swallow, and my voice was three octaves higher than usual. However, I could feel Andy in the background applauding my efforts. The cause he initiated, I continued gratefully.

LIFE ALASKA, INC.,
TISSUE PROCUREMENT SERVICES,
Anchorage, AK, April 5, 1994.

Hon. FRANK MURKOWSKI,
U.S. Senate,
Washington, DC.

DEAR SENATOR MURKOWSKI: Life Alaska, Inc., Alaska's only non-profit tissue donation agency has now been in operation for two years and has supplied over 250 transplant grafts in Alaska. We have had over 130 tissue donors from all over the State, and will continue to provide this precious tissue with priority to the Alaskan community. Thank you for your early support of this worthwhile endeavor.

Life Alaska was just made aware of H.R. 1012 introduced in the House in Feb. of 1993 by Mr. Stark. This Bill is to establish a congressional medal for organ donors and their families. On behalf of Life Alaska, Inc., and as a member of the Public and Professional Donation Committee of the American Association of Tissue Banks (AATB), we request you to help expand this bill to include families of tissue donors as well.

The current Bill was drafted without input from any organ or tissue donation agency that we are aware of on a local or national basis. While the purpose of the Bill is altruistic and commendable, it does not address the majority of donor families. Every year, there are approximately twice as many tissue donors, and four times as many eye donors as there are organ donors. All of these families have made a compassionate and courageous decision at a tragic time. It seems inappropriate to treat donor families differently in thanking them when the family has no control over the manner of death that decides what donation options can be presented. Each family gave all they could in order to help save the life or livelihood of another human being. A medal of thanks would be a way of honoring these wonderful gifts.

Life Alaska, Inc. would be very willing to pay the expenses related to issuance of the medals we request for Alaska's tissue donor families. I believe that other tissue banks would also be willing to purchase the commemorative medals. The responsibility for obtaining and presenting the medal is also best handled by the involved procurement agency.

POSSIBLE AMENDMENT

Insert "organ and tissue" wherever the word "organ" appears.

SEC. 3. ELIGIBILITY REQUIREMENTS.

(a) IN GENERAL.—Any organ *or tissue* donor, or the family of any organ *or tissue* donor, shall be eligible for a bronze medal referred to in section 2.

(b) DOCUMENTATION.—The Secretary of Health and Human Services shall establish an application procedure requiring an individual or family, or an organ or tissue procurement agency on the family's behalf, to submit to the Secretary documentation to support the eligibility . . .

SEC. 9. ORGANS AND TISSUES DEFINED.

For purposes of this Act, the term "organ" means the human kidney, liver, heart, lung, pancreas, and any other human organ (other than corneas and eyes) specified by the Secretary of Human Services by regulation. The term "tissue" refers to human tissues including corneas, eyes, bone, tendons, vein, skin, and heart-valves.

The inclusion of tissue donor families to this Bill will give well deserved thanks to the 50,000 cornea and tissue donor families not currently mentioned. An added benefit is that inclusion would be a major step in informing the donor family friends and communities about the donation option. The end result is sure to be an increase in the number of families that are willing to give the special gift of organ and tissue donation.

H.R. 1012 is currently stalled in the House Banking, Finance & Urban Affairs Subcommittee on Consumer Credit and Insurance. Another 68 co-sponsors are needed before the subcommittee will take action. Any efforts to move this Bill ahead and include tissues would be greatly appreciated. Thank you for your time and efforts.

Sincerely,

JENS SAAKVITNE,
Director.
DAVID A. MCGUIRE, MD,
Medical Director.

COMMONWEALTH OF PENNSYLVANIA,
OFFICE OF THE GOVERNOR,
Harrisburg, July 18, 1994.

Mr. STEPHEN MCCARTHY,
Office of Senator Murkowski,
U.S. Senate, Washington, DC.

DEAR MR. MCCARTHY: Thank you for your recent letter requesting support for Senator Murkowski's legislation regarding a congressional commemorative medal for organ and tissue donors and their families. Any proposal that increases public awareness of the importance of organ donation is worthy of my endorsement.

More than 34,000 people are waiting for organ transplants in the United States today. Tragically, seven people die each day without receiving a transplant since the donor shortage is so severe. To address this crisis we have dramatically increased our outreach efforts. We have distributed organ donor cards in the paycheck of every state employee, placed organ donor brochures in every welcome center along Pennsylvania highways and provided organ donor information and stickers with each driver's license renewal form. In addition, I have supported legislation that is pending before our General Assembly that will encourage greater voluntary consent for organ donations and increase educational programs for high school students throughout the state.

Senator Murkowski's efforts are commendable and I am honored to be asked to support his legislation. My family and I have personally experienced the miracle of organ donation and we will never forget the organ donor and his family who granted me a second chance at life. A commemorative medal would be a tremendous expression of appreciation for their sacrifice.

Sincerely,

ROBERT P. CASEY,
Governor.

JOHNS HOPKINS MEDICAL INSTITUTIONS,
Baltimore, MD, July 14, 1994.

Re Gift of Life Congressional Medal.

Hon. FRANK H. MURKOWSKI,
U.S. Senate,
Washington, DC.

DEAR SENATOR MURKOWSKI: It is my pleasure to write to you in support of your proposed bill establishing a "Gift of Life Congressional Medal" to be awarded to families of organ and tissue donors. In this country we are presently experiencing a critical shortage of organs and tissues for transplantation. As the chief of transplantation at Johns Hopkins and director of our liver transplant program, I am painfully aware of the fact that 15–20% of patients awaiting a potentially life-saving liver transplant will die because a replacement liver cannot be identified for them. This is especially upsetting when we realize that, had we been able to find an organ for them, 80% of these people would recover fully and return to active and productive lives. I enthusiastically support the efforts of people such as yourself who are obviously committed to promoting organ and tissue donation in the United States. I believe that the "Gift of Life Congressional Medal" which recognizes the generosity and compassion of families who have suffered the loss of a loved one will be an effective means of heightening donor awareness. I wholeheartedly endorse your efforts in this area.

Very sincerely,

ANDREW S. KLEIN, M.D.●

ADDITIONAL COSPONSORS

S. 1208

At the request of Mr. WOFFORD, the name of the Senator from Connecticut [Mr. LIEBERMAN] was added as a cosponsor of S. 1208, a bill to authorize the minting of coins to commemorate the historic buildings in which the Constitution of the United States was written.

S. 2071

At the request of Mr. BINGAMAN, his name was added as a cosponsor of S. 2071, a bill to provide for the application of certain employment protection and information laws to the Congress and for other purposes.

S. 2289

At the request of Mr. D'AMATO, the name of the Senator from Colorado [Mr. CAMPBELL] was added as a cosponsor of S. 2289, a bill to authorize the Export-Import Bank of the United States to provide financing for the export of nonlethal defense articles and defense services the primary end use of which will be for civilian purposes.

S. 2411

At the request of Mrs. HUTCHISON, her name was added as a cosponsor of S. 2411, a bill to amend title 10, United States Code, to establish procedures for determining the status of certain missing members of the Armed Forces and certain civilians, and for other purposes.

S. 2460

At the request of Mr. CHAFEE, the names of the Senator from North Dakota [Mr. CONRAD] and the Senator

from Wisconsin [Mr. KOHL] were added as cosponsors of S. 2460, a bill to extend for an additional two years the period during which medicare select policies may be issued.

S. 2489

At the request of Mr. LAUTENBERG, his name was added as a cosponsor of S. 2489, a bill to reauthorize the Ryan White CARE Act of 1990, and for other purposes.

At the request of Mr. KENNEDY, the names of the Senator from Tennessee [Mr. SASSER], the Senator from South Carolina [Mr. HOLLINGS], the Senator from Louisiana [Mr. JOHNSTON], and the Senator from Michigan [Mr. LEVIN] were added as cosponsors of S. 2489, supra.

S. 2491

At the request of Mrs. FEINSTEIN, the name of the Senator from Arkansas [Mr. PRYOR] was added as a cosponsor of S. 2491, a bill to amend the Defense Authorization Amendments and Defense Base Closure and Realignment Act and the Defense Base Closure and Realignment Act of 1990 to improve the base closure process, and for other purposes.

SENATE JOINT RESOLUTION 186

At the request of Mr. PACKWOOD, the names of the Senator from Minnesota [Mr. WELLSTONE], the Senator from Delaware [Mr. ROTH], and the Senator from Hawaii [Mr. INOUYE] were added as cosponsors of Senate Joint Resolution 186, a joint resolution to designate February 2, 1995, and February 1, 1996, as "National Women and Girls in Sports Day."

SENATE JOINT RESOLUTION 208

At the request of Mr. WOFFORD, the name of the Senator from Nevada [Mr. BRYAN] was added as a cosponsor of Senate Joint Resolution 208, a joint resolution designating the week of November 6, 1994, through November 12, 1994, "National Health Information Management Week."

SENATE JOINT RESOLUTION 219

At the request of Mr. LEAHY, the name of the Senator from Kansas [Mrs. KASSEBAUM] was added as a cosponsor of Senate Joint Resolution 219, a joint resolution to commend the United States rice industry, and for other purposes.

SENATE JOINT RESOLUTION 226

At the request of Mr. SIMON, the name of the Senator from Iowa [Mr. GRASSLEY] was added as a cosponsor of Senate Joint Resolution 226, a joint resolution providing for the temporary extension of the application of the final paragraph of section 10 of the Railway Labor Act with respect to the dispute between the Soo Line Railroad Company and certain of its employees.

SENATE CONCURRENT RESOLUTION 66

At the request of Ms. MIKULSKI, the names of the Senator from Nebraska [Mr. KERREY], the Senator from Maine [Mr. COHEN], and the Senator from Vermont [Mr. JEFFORDS] were added as cosponsors of Senate Concurrent Resolution 66, a concurrent resolution to recognize and encourage the convening of a National Silver Haired Congress.

SENATE CONCURRENT RESOLUTION 76—RELATING TO THE INTERFERENCE WITH FIRST AMENDMENT BY THE DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Mr. BOND (for himself, Mr. D'AMATO, and Mr. GORTON) submitted the following concurrent resolution; which was referred to the Committee on Banking, Housing and Urban Affairs:

S. CON. RES. 76

Resolved by the Senate and House of Representatives concurring), That it is the sense of the Congress that—

(1) freedom of speech under the first amendment to the Constitution of the United States is one of the guiding principles of this Nation; and

(2) the Department of Housing and Urban Development should not enforce the Fair Housing Act or any other provision of law in any manner, or take any other action, that in any way compromises, suppresses, or interferes with the exercise by any individual of the right of free speech, right of free association, or the right to petition the Government for a redress of grievances through the legislative, executive, or judicial process.

Mr. BOND. Mr. President, I am submitting today with a number of my concerned colleagues a concurrent resolution that emphasizes the overwhelming need for our Federal Government, at a minimum, to every so often pause, reflect on our history and give thoughtful re-examination to the importance of free speech under the first amendment as one of the guiding principles of this Nation. To some degree, every important development in the evolution of our free society has been underlined by the free exchange of ideas and the ability to state our beliefs and opinions.

To my great concern, there have been numerous articles over the last several months that raise serious concerns that the Department of Housing and Urban Development has been implementing the Fair Housing Act in a manner designed to discourage individuals from exercising their right of free speech under the first amendment. In particular, a recent article in the Wall Street Journal on August 8, 1994 describes HUD litigation under the Fair Housing Act against individuals in Berkeley, CA for objecting to the location of a homeless shelter in their neighborhood. At that time, as many as 34 similar cases were being investigated by HUD.

In response to my concerns and those of my colleagues, HUD issued guidelines on September 2, 1994, designed to safeguard free speech under the Fair Housing Act. Nevertheless, additional articles, including a recent Wall Street Journal article dated September 14, 1994 and a Washington Post article on September 14, 1994, continue to question HUD's resolve and deference to the right of free speech.

Therefore, the purpose of my concurrent resolution is to re-emphasize the commitment of this body and the Congress to the principles of the first amendment and to remind the Department of Housing and Urban Development that the Department must not interfere with the exercise of the right of free speech, the right of free association, or the right to petition the Government for redress of grievances.

I have included several of the recent articles from the Wall Street Journal and the Washington Post which reflect the need for this body to continue to emphasize the importance of free speech both to this Nation and the actions of this Government.

Congressman LEACH has submitted an identical resolution in the House of Representatives. It is my hope that both bodies will have an opportunity to act on this concurrent resolution before the end of the session.

I ask unanimous consent that the articles be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD as follows:

[From the Wall Street Journal, Aug. 8, 1994]

FREE HOUSING YES, FREE SPEECH NO

(By Heather Mac Donald)

Upset about the new program for homeless drug addicts moving in next door? Thinking of protesting to your local zoning board? Try kicking the dog instead. Objecting to the project could bring a knock on the door from the Feds and threats of punishment. The government has decided that when it comes to a conflict between the First Amendment and the rights of addicts and alcoholics to be housed wherever they please, the addicts win hands down.

For the past 10 months, three residents of Berkeley, Calif.—Joseph Deringer, his wife Alexandra White and their neighbor Richard Graham—have been under investigation by the Department of Housing and Urban Development for having opposed a planned homeless housing project near their homes. HUD has threatened each with fines of $100,000 and a year in jail unless they turn over everything they have ever written about the project, all their files, the minutes of all meetings of their neighborhood coalition and the coalition's membership lists. Should the documents prove damning, thousands of dollars in penalties may lie ahead.

NO PROTECTION

According to HUD officials, organized opposition to homeless shelters and other social-service facilities—if it is based on the attributes of the people involved—enjoys no First Amendment protection. Such opposition, says HUD, violates the Fair Housing Act Amendments of 1988, which are supposed to safeguard the housing rights of the disabled. HUD and the federal courts have defined addiction and alcoholism, as well as AIDS and mental illness, as federal protected disabilities.

It remains possible to oppose, for example, siting a home for recovering drug addicts with AIDS next to a school—if you argue

that its storage space for medical waste is inadequate. But to argue that the residents themselves may pose a threat to the students runs afoul of the law and fails outside constitutional guarantees, in HUD's view.

Some HUD officials do not appear to see even a potential First Amendment problem with the Berkeley investigation. E. Herman Wilson, director of the compliance and enforcement division of HUD's San Francisco office, says: "If we had received allegations regarding free speech [in the original complaint against Mr. Deringer et al.], we wouldn't have accepted it. We received a complaint regarding the Fair Housing Act."

Yet the only actions the complaint refers to are textbook examples of petitioning the government for a redress of grievances.

For the past 16 years, Mr. Deringer, Ms. White and Mr. Graham watched as crime and squalor engulfed their Berkeley neighborhood. Nearby University Ave.—the main artery into the city and the University of California—had become the site of choice for the city's numerous homeless shelters, drug programs and subsidized housing units. Juvenile offenders from a local halfway house formed a gang with kids from a neighboring Section 8 housing project. A children's park next to a women's shelter was commandeered by the women's boyfriends for drug-dealing.

So in July 1992, when word leaked that the city was erecting yet another homeless program in the run-down Bel Air hotel across from their homes, the three residents didn't hesitate to organize their neighbors against the project. They argued in newsletters and public petitions that the site chosen for the new homeless facility—next to two liquor stores and nightclub—was grossly imprudent, given the high prevalence of addiction and alcoholism among the homeless. Equally dangerous, they charged, was the failure to provide on-site services for addiction and mental illness. Finally, they brought an unsuccessful conflict of interest action against Berkeley's zoning board, demanding a reconsideration of the new facility's permit. For these offenses. If found guilty, they face statutory penalties of $50,000 apiece, as well as compensatory and potential punitive damages.

Clearly free speech isn't what it used to be in the erstwhile home of the Free Speech Movement—or anyplace else, for that matter. HUD is currently questioning a community group that opposed a home for the homeless mentally ill near Gramercy Park in Manhattan. The Justice Department has had a suit pending for a year and a half against a group of neighbors in New Haven, Conn., who sued to prevent a foster home on their street. In Seattle, a neighborhood coalition that opposed a home for female exconvicts was investigated by HUD in 1991; another local group has been under investigation since last August for filing a zoning suit. Residents in Kansas have been fined for trying to block a group home. And the cases are legion in who cities have been held liable for political statements against group homes made by their citizens—a form of indirect censorship.

In every city in which HUD has pursued investigations against individuals and community groups, opposition to planned social—service facilities has been severely chilled—just as intended. The attorney for Mr. Deringer, Ms. White and Mr. Graham has received calls from people across the Bay Area. terrified by prospective liability should they speak out against local homeless shelters and drug-treatment facilities. The Berkeley city attorney wrote a letter in May 1994 to a group of North Berkeley residents warning them that questions they were asking about a planned AIDS facility for the "mentally disabled"—i.e., addicts—in their neighborhood could subject both them and the city to prosecution under federal and state anti-discrimination laws.

HUD's investigations can only be expected to increase in the future, especially in light of HUD's own growing involvement in the homelessness services industry. The 1988 amendments gave the agency the authority to sue on behalf of alleged victims at the government's expense. As word of this free legal representation has gotten out, the number of discrimination complaints has risen. Housing Secretary Henry Cisneros and Assistant Secretary of Fair Housing and Equal Opportunity, Roberta Achtenberg have both stated that enforcement of the act is a top priority.

Agency accountability, it seems, is not. Says Mr. Deringer: "It feels like Kafka. We don't know who's involved at HUD; we don't know who's responsible. There's no one who will talk to us about the case." The three residents did receive a call from a HUD investigator on behalf of the complainant, however, saying that she would drop charges if they agreed never to write or speak on housing issues again.

The immediate concern raised by the Berkeley case and others like it is obviously HUD's blatant censorship. But underlying the case are two other troubling issues.

The 1988 Federal Housing Act Amendments rest on the myth that facilities for socially dysfunctional individuals have no more consequences for neighborhoods than family residences. In her letter to the North Berkeley neighbors, the Berkeley city attorney chastised them for implying that the city should treat a home for addicts with AIDS any differently from any other home. But while some group homes, if meticulously run, may indeed integrate into their surroundings, others, especially in excessive numbers, impose enormous burdens on communities. Prohibiting speech about those consequences will not make them disappear.

SERIOUS MORAL MISTAKE

An even greater fallacy underlying the FHAA investigations is the notion that drug addiction and alcoholism are involuntary "disabilities." To ignore the individual responsibility at the origin of such conditions is a serious moral mistake with enormous financial repercussions. As Roger Leed, a Seattle attorney who defended community groups against HUD, puts it: Defining drug abuse as a disability makes "every panhandler on the street with a cup a member of a protected class."

For the moment, one hope of stopping the Bel Air project in Berkeley lies in just this unwarranted extension of rights. However, the developer has discovered a group of squatters in the Bel air hotel. When it tries to evict them, it could find itself under investigation for discriminating against the housing rights of the disabled.

[From the Wall Street Journal, Sept. 14, 1994]

HUD CONTINUES ITS ASSAULT ON FREE SPEECH

(By Heather Mac Donald)

The Department of Housing and Urban Development still doesn't get it. This summer, a national outcry erupted over the agency's investigation of three Berkeley, Calif., residents who had peacefully protested the siting of homeless housing in their neighborhood. Now HUD has issued a set of guidelines intended to avoid such flagrant violations of the First Amendment. Though the new rules correct some of the agency's policies, they contain a loophole large enough to drive a homeless shelter through, as well as other exceptions that suggest that HUD's reign of terror is not over yet.

As reported on the Journal's editorial page on Aug. 8 and Aug. 23, HUD has been investigating individuals and community groups under the Fair Housing Act Amendments of 1988. Organized opposition to homeless shelters, drug-treatment centers and residences for the mentally ill—the theory went—constitutes "housing discrimination" against the disabled. The FHAA defines disability to include recovering addicts, alcoholics, the mentally ill and AIDS patients—in other words, most of the homeless population.

HUD's new guidelines prohibit the investigation of all "public activities that are directed toward achieving action by a governmental entity or official." Such activities include distributing pamphlets, holding open community meetings and testifying at public hearings. If an FHAA complaint alleges only such activities, HUD will not accept it for filing.

HUD will continue to investigate, however, groups or individuals who have taken their protest to court. This loophole eviscerates citizens' last line of defense against local governments that have been captured by the social-service industry. Under pressure from homeless advocates, cities routinely violate their own zoning rules regarding the siting of group homes for alcoholics, addicts and the mentally ill. Citizen challenges to such violations have been a mainstay of HUD's FHAA investigations to date.

For example, Seattle until recently prohibited the placement of social-service facilities within a quarter-mile of each other. Yet in 1992 the city approved the construction of five group homes for addicts and the mentally ill within a single city block. A local neighborhood group sued, charging a violation of the city's dispersion criteria. As a result, HUD has been investigating the group for the last year and could continue to do so under the new guidelines.

Richmond, VA., requires that medical facilities be located in areas zoned for apartment buildings and duplexes. Nevertheless, the city approved the siting of two medical hospices for AIDS patients—funded with a $2 million grant from HUD—in a single-family zone. Neighbors tried to enjoin construction of the hospices. The individuals are now under investigation by Virginia's Office of Fair Housing. HUD's new guidelines would allow the complaining organization to go directly to the federal government for relief.

Ironically, the investigation that caused HUD's recent public-relations fiasco and led to the current guidelines was itself predicated on a zoning suit. The three Berkeley residents argued in court that their local zoning board's approval of a homeless housing project in their neighborhood was marred by an egregious conflict of interest: The developer's director sat on the zoning board, and though she abstained from the project decision, she argued in its favor before her colleagues. HUD dropped its investigation of the Berkeley residents under public pressure. The next group of litigants may not be so lucky.

Incestuous relations between nonprofit developers and their government overseers have become the norm in cities across the country. And as local governments—often under pressure from HUD—embrace the philosophy of "mainstreaming" dysfunctional

individuals into middle-class communities, violations of zoning rules will become more common. HUD's legal-action exception will continue to discourage challenges to municipalities that bend or break the law.

HUD's new guidelines carve out another exception to protected speech: Should citizens carry their activities beyond public agencies, they risk liability under the Fair Housing Act. In New York City, HUD investigated a group of neighbors in Manhattan's Gramercy Park who had allegedly tried to outbid a homeless-housing developer for a private property. The developer recently dropped his complaint against the neighbors, but the theory that free-market competition may violate the Fair Housing Act Amendments remains viable under HUD's new rules.

Third, HUD will continue to investigate individuals and organizations who protest housing decisions if "the facts available to the Department do not reasonably indicate the precise applicability of the First Amendment." In other words, if an advocacy group writes a muddy enough complaint, it can continue to tap into the government's vast coercive power until the "precise applicability of the First Amendment" is determined. HUD's assurance that it will "carefully tailor" such investigations so as to "not unduly chill the exercise of free speech" is ludicrous. The very existence of such investigations, no matter how "tailored," can scare citizens into silence.

Finally, even if HUD formally ceases investigating individuals, it retains a potent tool of indirect censorship: holding a city liable for statements made by its residents. Though HUD has dropped its investigation of the Berkeley Three, it continues to investigate the city itself for their housing protest. Says Joseph Derlinger, one of the three protesters: "We can now speak, but they city can't listen to us."

Shortly before HUD released its new guidelines, Roberta Achtenberg, assistant secretary for fair housing and equal employment, published an article declaring the agency's respect for the First Amendment. She concluded, however, with the prediction that "we can expect more cases" in the future like the investigation in Berkeley. Ms. Achtenberg's assumption that free speech remains in potential conflict with "fair housing" dashes any hope that HUD interpret its guidelines broadly. Indeed, the new rules have resulted in dismissals of only 11 of HUD's 34 pending investigations against individuals and community groups. HUD Secretary Henry Cisneros should close all loopholes in the guidelines immediately and declare that all neighborhood political activity remains safe from government penalty.

[From the Washington Post, Sept. 14, 1994]

HUD'S ATTACK ON THE FIRST AMENDMENT

(By Nat Hentoff)

I am grateful to Housing and Urban Development Secretary Henry Cisneros and Roberta Achtenberg, his assistant secretary for fair housing and equal opportunity. Every fall, preparing for talks with school kids about the Bill of Rights, I look for a fresh, powerful example of James Madison's legacy to the nation:

"The censorial power is in the people over the Government, and not in the Government over the people."

From time to time in our history, the government has forgotten its place in our constitutional scheme of things, but never in recent years has an agency of the government—HUD—actually canceled the First Amendment right "to petition the Government for a redress of grievances" as well as other forms of free speech.

HUD's purpose was noble, just as Cisneros' motivation was well-intentioned when he proposed last spring that public housing tenants include in their leases a clause allowing the police to break into their apartments without a warrant in search for guns and hoodlums. The Secretary did not understand how anyone could oppose strengthened security in a trade for that technicality, the Fourth Amendment.

This time, he and Achtenberg wanted to make sure that the Fair Housing Act was firmly implemented—over any dissent. Accordingly, when, for example, federally subsidized housing projects for people with histories of substance abuse or mental disorders were proposed for various neighborhoods, HUD rode shotgun on those projects. If some neighbors objected and filed court actions, or wrote letters to public officials, they were rigorously investigated by HUD for discrimination. Membership lists of their organizations were seized, as were copies of correspondence, and all other notes concerning their conspiracy against the government and the Sermon on the Mount.

HUD made clear that the First Amendment would not be allowed to stand in the way of government good deeds in New York, Seattle, New Haven and other cities.

When talking to students, I shall point out that it doesn't matter whether an administration is Republican or Democratic. The urge to keep the people in their place can seize a public official at any time. Also, however, the end of all this—if it has ended—may give the school kids a more bracing view of the free press than they have been getting from adults. If the press has not covered HUD's attempt to revoke the First Amendment, I expect that protesting neighborhood groups would still be having their records subpoenaed—and would still be threatened with heavy fines simply for trying to get a hearing.

I also have a surprise for the students. In Richmond, Va., a neighborhood association objected to the placement of two facilities for AIDS patients in the middle of their neighborhood. The association questioned the legality of the zoning of those facilities. That led to an extensive investigation of that association by the Fair Housing Office of HUD.

The surprise is that—as Mary Ann Hirtz, president of the targeted neighborhood association notes—"the local ACLU, acting in behalf of the Richmond AIDS Ministry, filed a discrimination complaint demanding the investigation."

I have a copy of the complaint to HUD by Stephen Pershing, legal director of the Virginia affiliate of the ACLU. The complaint is that the neighborhood association had the unlawful temerity to file suit in state court to block construction of the residence.

The Virginia affilate of the ACLU was also exercised over the fact that the opponents of the project "had made public statements designed to foster opposition to the . . . home . . . based on irrational prejudice, fear and animus toward who who will reside there."

Only benign speech has the imprimatur of the Virginia ACLU.

Worse yet, says the ACLU, opponents of the residence "have made statements to the press."

The lesson for the school kids is that not even an ACLU affiliate can be depended on to defend the First Amendment in the face of higher purposes. The national ACLU did, to be sure, tell Cisneros that he had lost his constitional bearings. But so had the Virginia ACLU.

One large question remains. How did Cisneros and Achtenberg go so dangerously astry for so long? Did no one else in government slip them a copy of the First Amendment? This was more than a minor attack on the Bill of Rights. Yet Cisneros and Achtenberg acted without public objection from anyone in the entire Clinton administration—including the White House and the Justice Department.

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AMENDMENTS SUBMITTED

SOCIAL SECURITY ACT AMENDMENTS

MOYNIHAN (AND PACKWOOD) AMENDMENT NO. 2608

Mr. MOYNIHAN (for himself and Mr. PACKWOOD) submitted an amendment intended to be proposed by him to the bill (S. 1668) an original bill to amend the Social Security Act and related acts to make miscellaneous and technical amendments, and for other purposes; as follows:

On page 1, line 5, strike "1993" and insert "1994".

Strike line 16 on page 9 and all that follows through line 18.

On page 19, line 4, strike "1995" and insert "1997".

On page 19, line 20, strike "1993" and insert "1994".

On page 24, line 12, strike "1994" and insert "1995".

On page 25, line 14, strike "1994" and insert "1995".

Strike line 12 on page 29 and all that follows through line 14 and insert the following:

(d) CLERICAL CORRECTIONS.—(1) Section 1814(i)(1)(C)(i) (42 U.S.C. 1395f(i)(1)(C)(i)) is amended by striking "September 30, 1990,," and inserting "September 30, 1990,".

On page 30, line 3, strike "1997" and insert "1998".

On page 30, line 10, strike "1995" and insert "1996".

On page 30, line 21, strike "1997" and insert "1998".

On page 31, line 1, strike "1997" and insert "1998".

On page 31, line 7, strike "1997" and insert "1998".

On page 32, strike line 7 and all that follows through line 17.

On page 41, line 25, strike "1994" and insert "1995".

On page 42, lines 3, 6, 9, and 12, strike "1994" and insert "1995".

On page 42, lines 15 and 16, strike "October 1, 1994" and insert "July 1, 1995".

Strike line 12 on page 49 and all that follows through line 18.

On page 52, line 18, strike "May 1, 1994," and insert "the date of the enactment of the Social Security Act Amendments of 1994,".

On page 53, line 2, strike "May 1, 1994," and insert "the date of the enactment of the Social Security Act Amendments of 1994,".

Strike line 19 on page 54 and all that follows through line 2 on page 55.

On page 55, line 3, strike "(B)" and insert "(A)".

On page 55, lines 6 and 7, strike "May 1, 1994," and insert "60 days after the date of

the enactment of the Social Security Act Amendments of 1994,".

On page 57, line 3, strike "(C)" and insert "(B)".

Strike line 11 on page 57 and all that follows through line 2 on page 59 and insert the following:

"(3) COVERAGE AND REVIEW CRITERIA.—The Secretary shall annually review the coverage and utilization of items of medical equipment and supplies to determine whether such items should be made subject to coverage and utilization review criteria, and if appropriate, shall develop and apply such criteria to such items.

On page 60, lines 6 and 7, strike "October 1, 1994" and insert "60 days after the date of enactment of this Act".

Strike line 18 on page 61 and all that follows through line 6 on page 63.

Strike line 17 on page 67 and all that follows through line 9 on page 68.

On page 70, line 25, strike "October 1, 1994" and insert "January 1, 1995".

On page 75, line 18, strike "January" and insert "July".

Strike line 17 on page 77 and all that follows through line 11 on page 78.

On page 84, line 13, strike "1995" and insert "1996".

Strike line 1 on page 86 and all that follows through line 6 on page 87.

On page 90, line 10, strike "1 month" and insert "9 months".

On page 90, lines 20 and 21, strike "a speech-language pathologist" and insert "audiologist".

On page 90, line 25, strike "speech-language pathologists" and insert "audiologists".

On page 91, line 4, strike "1 month" and insert "9 months".

On page 91, line 5, strike "speech-language pathology" and insert "audiology".

On page 91, lines 6 and 7, strike "speech-language pathologist" and insert "audiology".

On page 91, line 9, strike "speech-language pathology" and insert "audiology".

On page 92, line 15, strike "1994" and insert "1995".

On page 102, line 16, strike "July 1, 1994," and insert "60 days after the date of the enactment of the Social Security Act Amendments of 1994".

On page 104, line 15, strike "January 1, 1994" and insert "the expiration of the 120-day period beginning on the date of the enactment of this Act".

On page 107, lines 20 and 21, strike "years beginning with 1994" and inserting "contract years beginning with 1995".

On page 120, lines 13 and 20, strike "1995" and insert "1996".

Strike line 12 on page 126 and all that follows through line 7 on page 127.

On page 127, line 13, strike "1994" and insert "1995".

On page 127, line 17, strike "1996" and insert "1997".

Strike line 8 on page 132 and all that follows through line 20 and insert the following:

(c) TECHNICAL CORRECTION TO REVISIONS OF COVERAGE FOR IMMUNOSUPPRESSIVE DRUG THERAPY.—The Secretary of Health and Human Services may administer section 1861(s)(2)(J) of the Social Security Act (42 U.S.C. 1395x(s)(2)(J)) in a manner such that the months of coverage of drugs described in such section are provided consecutively, so long as the total number of months of coverage provided is the same as the number of months described in such section.

On page 146, line 24, strike "1993" and insert "1994".

On page 147, line 17, strike "1993" and insert "1994".

On page 149, line 12, strike "1994" and insert "1995".

On page 154, lines 16, 21, 22, and 24, strike "July 1, 1994" and insert "January 1, 1995".

On page 156, line 24, strike "1994" and insert "1996".

On page 157, line 7, strike "1994" and insert "1996".

On page 160, line 2, strike "1994" and insert "1995".

On page 161, line 4, strike "1994" and insert "1995".

On page 162, line 6, strike "1994" and insert "1995".

On page 163, line 3, strike "1994" and insert "1995".

On page 163, line 13, strike "1995" and insert "1996".

On page 164, line 13, strike "1994" and insert "1995".

On page 164, strike line 14 and all that follows through line 18.

On page 167, line 17, strike "1994" and insert "1995".

On page 168, line 18, strike "1994" and insert "1995".

On page 171, line 6, strike "1994" and insert "1995".

On page 175, line 10, strike "1994" and insert "1995".

On page 178, line 25, strike "1994" and insert "1995".

On page 179, line 23, strike "1994" and insert "1995".

On page 215, line 21, strike "1994" and insert "1995".

On page 225, line 3, strike "October 1, 1995" and insert "April 1, 1996".

On page 229, lines 5 and 6, strike "Except as provided in paragraph (2), the" and inserting "The".

On page 229, line 15, strike "January" and insert "July".

On page 229, line 16, strike "October 1, 1995" and insert "April 1, 1996".

On page 230, line 12, strike "1994" and insert "1995".

On page 232, line 24, strike "1994" and insert "1995".

On page 233, line 10, strike "1994" and insert "1995".

On page 233, strike lines 25 and 26, and insert the following:

(2) by redesignating subsections (d) and (e) as subsections (b) and (c), respectively.

On page 234, line 21, strike "October 1, 1995" and insert "April 1, 1996".

On page 239, line 11, strike "1994" and insert "1995".

On page 241, line 25, strike "residing" and all that follows through "State" on page 242, line 1.

On page 242, strike "unless" on line 3 and all that follows through "tion" on line 5.

On page 244, line 19, strike "1994" and insert "1995".

Strike line 17 on page 245 and all that follows through line 12 on page 250.

On page 258, line 5, strike "1993" and insert "1994".

Strike line 14 on page 261 and all that follows through line 2 on page 262.

On page 262, lines 18 and 20, strike "1993" and insert "1994".

On page 263, line 6, strike "1994" and insert "1995".

Strike line 19 on page 263 and all that follows through line 25 on page 264.

On page 265, line 8, strike "5-year" and insert "6-year".

On page 265, lines 12 and 13, strike "1994, and 1995" and insert "1994, 1995, and 1996".

On page 265, line 23, strike "1994 through 1998" and insert "1995 through 1999".

Strike line 1 on page 269 and all that follows through line 2 on page 270.

Strike line 22 on page 270 and all that follows through line 9 on page 271.

Redesignate subtitles and sections accordingly.

Mr. MOYNIHAN. Mr. President, although there are few remaining days in this 103d Congress, I urge Senators to support enactment of S. 1668, the "Social Security Act Amendments of 1994," which was reported by the Finance Committee on November 17 of last year.

This bill contains a number of important technical corrections and miscellaneous Social Security Act provisions that enjoy bipartisan support in both the Senate and the House. These provisions could not be included in the Omnibus Reconciliation Act of 1993 because they had no budgetary impact; under the strict rules of budget reconciliation in the Senate, any provision that has no impact on Federal spending is subject to a point of order.

While the Finance Committee excluded these provisions from its budget package, the House of Representatives passed many of these provisions as part of its 1993 budget package. In conference, the chairman of the Ways and Means Committee and I agreed to develop a separate bill to include all the budget-neutral, noncontroversial provisions that could not be included in the 1993 budget reconciliation legislation. The result is S. 1668.

Today, the ranking minority member of the Finance Committee, Senator PACKWOOD, and I are submitting an amendment to S. 1668 which makes minor modifications to the bill that have become necessary due to the passage of time since the bill was approved by the Finance Committee last November. These modifications include updated effective dates and deletion of some provisions that are no longer necessary. I ask unanimous consent that these amendments to the bill be inserted in the RECORD. The original text of S. 1668, along with a section-by-section analysis, was printed in the CONGRESSIONAL RECORD for November 17, 1993. I emphasize again that S. 1668, as reported by the Finance Committee and as modified by this amendment, will not increase the deficit but will, in fact, provide a modest reduction in the Federal deficit of $2 million over the next 5 years.

MISSING IN CYPRUS ACT

D'AMATO (AND SIMON) AMENDMENT NO. 2609

Mr. DOLE (for Mr. D'AMATO, for himself and Mr. SIMON) proposed an amendment to the bill (S. 1329) to provide for an investigation of the whereabouts of the United States citizens and others

who have been missing from Cyprus since 1974; as follows:

S. 1329

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. UNITED STATES CITIZENS MISSING FROM CYPRUS.

(a) INVESTIGATION.—As soon as is practicable, the President shall undertake, in cooperation with appropriate international organizations or nongovernmental organizations, a thorough investigation of the whereabouts of the United States citizens who have been missing from Cyprus since 1974. Any information on others missing from Cyprus that is learned or * * *. The investigation shall focus on the countries and communities which were combatants in Cyprus in 1974, all of which currently receive United States foreign assistance.

(b) REPORT TO THE FAMILIES.—The President shall report the findings of this investigation of the missing Americans to the family of each of the United States citizens. Such reports shall include the whereabouts of the missing.

(c) REPORT TO THE CONGRESS.—The information learned or discovered during this investigation, shall be reported to the Congress.

(d) RETURNING THE MISSING.—The President, in cooperation with appropriate international organizations or nongovernmental organizations shall do everything possible to return to their families, as soon as is practicable, the United States citizens who have been missing from Cyprus since 1974, and others who have been missing, including returning the remains of those who are no longer alive.

AUTHORIZATION OF APPROPRIATIONS TO THE OFFICE OF SPECIAL COUNSEL AND THE MERIT SYSTEMS PROTECTION BOARD

PRYOR (AND LEVIN) AMENDMENT NO. 2610

Mr. FORD (for Mr. PRYOR and Mr. LEVIN) proposed an amendment to the bill (S. 622) to authorize appropriations for the United States Office of Special Counsel, the Merit Systems Protection Board, and for other purposes; as follows:

On page 12, beginning with line 24, strike out all through line 4 on page 13 and insert in lieu thereof the following:

"(E) A determination by the Special Counsel under this paragraph shall not be cited or referred to in any proceeding under this paragraph or any other administrative or judicial proceeding for any purpose, without the consent of the person submitting the allegation of a prohibited personnel practice.".

On page 14, line 10, insert "contributing" before "factor".

On page 14, beginning with line 22, strike out all through line 8 on page 15.

On page 15, strike out lines 14 through 17 and insert in lieu thereof the following:

(2) by striking out clause (x) and inserting in lieu thereof the following:

"(x) a decision to order psychiatric testing or examination; and

"(ix) any other significant change in duties, responsibilities, or working conditions;"; and

On page 15, line 19, strike out "redesignated" and insert in lieu thereof "added".

On page 16, strike out lines 21 through 24.

On page 17, line 1, strike out "(e)" and insert in lieu thereof "(d)".

On page 19, insert between lines 6 and 7 the following new section:

SEC. 9. EXPENSES RELATED TO FEDERAL RETIREMENT APPEALS.

Section 8348(a) of title 5, United States Code, is amended—

(1) in paragraph (1)(B) by striking out "and" at the end thereof;

(2) in paragraph (2) by striking out the period and inserting in lieu thereof a semicolon and "and"; and

(3) by adding at the end thereof the following new paragraph:

"(3) is made available, subject to such annual limitation as the Congress may prescribe, for any expenses incurred by the Merit Systems Protection Board in the administration of appeals authorized under sections 8347(d) and 8461(e) of this title.".

SEC. 10. ELECTION OF APPLICATION OF LAWS BY EMPLOYEES OF THE RESOLUTION TRUST CORPORATION AND THRIFT DEPOSITOR PROTECTION OVERSIGHT BOARD.

(a) ELECTION OF PROVISIONS OF TITLE 5, UNITED STATES CODE.—If an individual who believes he has been discharged or discriminated against in violation of section 21a(q)(1) of the Federal Home Loan Bank Act (12 U.S.C. 1441a(q)(1)) seeks an administrative corrective action or judicial remedy for such violation under the provisions of chapters 12 and 23 of title 5, United Steates Code, the provisions of section 21a(q) of such Act shall not apply to such alleged violation.

(b) ELECTION OF PROVISIONS OF FEDERAL HOME LOAN BANK ACT.—If an individual files a civil action under section 21a(q)(2) of the Federal Home Loan Bank Act (12 U.S.C. 1441a(q)(2)), the provisions of chapters 12 and 23 of title 5, United States Code, shall not apply to any alleged violation of section 21a(q)(1) of such Act.

On page 19, line 7, strike out "**SEC. 9.**" and insert in lieu thereof "**SEC. 11.**".

On page 20, line 8, strike out "**SEC. 10.**" and insert in lieu thereof "**SEC. 12.**".

On page 21, line 1, strike out "**SEC. 11.**" and insert in lieu thereof "**SEC. 13.**".

DORGAN AMENDMENT NO. 2611

Mr. FORD (for Mr. DORGAN) proposed an amendment to the bill S. 622, supra; as follows:

On page 11, insert between lines 21 and 22 the following new subsection:

(c) STATUS REPORT BEFORE TERMINATION OF INVESTIGATION.—Section 1214(a) of title 5, United States Code, is amended—

(1) in paragraph (1)—

(A) by adding at the end thereof the following new subparagraph:

"(D) No later than 10 days before the Special Counsel terminates any investigation of a prohibited personnel practice, the Special Counsel shall provide a written status report to the person who made the allegation of the proposed findings of fact and legal conclusions. The person may submit written comments about the report to the Special Counsel."; and

(2) in paragraph (2)(A)—

(A) in clause (ii) by striking out "and" after the semicolon;

(B) in clause (iii) by striking out the period and inserting in lieu thereof a semicolon and "and"; and

(C) by adding at the end thereof the following new clause:

"(iv) a response to any comments submitted under paragraph (1)(D).".

On page 11, line 22, strike out "(c)" and insert in lieu thereof "(d)".

On page 13, line 5, strike out "(d)" and insert in lieu thereof "(e)".

On page 16, line 15 strike out the first period and insert in lieu thereof a semicolon and "and".

ADDITIONAL STATEMENTS

FAILURE, BY THE NUMBERS

• Mr. SIMON. Mr. President, the New York Times of September 24, 1994, had an article by Paul Spector, president of the Institute for International Research, which my colleagues should read.

It included some statistical comparisons of the United States with other countries.

Let me mention just a few of those statistics:

In Canada, seventh among the wealthy nations in life expectancy, the average life span is 77.2; in the United States, 18th among the nations, it is 75.6. These are all 1992 figures based on a United Nations 1994 Human Development Report.

The total expenditure on health care as a percentage of the gross domestic product [GDP]: Canada, 9.9 percent; United States, 13.3 percent.

Expenditure on health per capita: Canada, $1,847; United States, $2,932—1991 figures.

In 1989, 14.1 percent of the Canadian population was admitted to a hospital, at one point or another; and in the United States, 13.7 percent. This suggests that the image created of many Canadians being unable to get into hospitals is simply incorrect. And the next statistic is even more meaningful.

In 1989, the median stay in hospitals in Canada was 11.4 days, and in the United States 6.5 days.

In Canada, there is one physician for each 450 people; and in the United States, there is 1 physician for each 420 people.

In addition to these figures, two other observations should be made.

One is that the most recent poll I have seen shows only 3 percent of the people in Canada are willing to have a health care system like the United States. The second is that not a single Member of the Canadian Parliament has introduced a bill to repeal the Canadian health care system. If it were such a terrible system, I can assure you that politicians would be running over each other in Canada or any other democracy to try to repeal the system.

I ask that the article be placed into the RECORD at this point together with the tables.

The article follows:

[From the New York Times, Sept. 24, 1994]

FAILURE, BY THE NUMBERS

(The United States is the world's richest nation, and it spends far more of its income on health care than any other. Yet people in other countries live longer and get more care. Here is a partial listing of nations where babies born in 1992 could expect to live 75 years or more, according to the United Nations' 1994 Human Development Report)

(By Paul Spector)

ARLINGTON, VA.—Congress's dismal failure to approve even a modest health care reform program cannot change one fact: in every industrial nation but ours, universal health care has become an inherent right. In the United States, 38 million people lack health insurance, and health care for all but the most privileged may be deteriorating.

Americans fervently believe that the U.S. has the best health care in the world. But we all need to be aware of the data in the accompanying tables, which show that in fact we have a lot of catching up to do with other nations.

If Americans get the best health care in the world, that is not reflected in our average life expectancy, which ranks behind 17 other nations. Life expectancy is not solely a function of health care, of course; factors like diet and highway fatalities push a nation's average up or down. But it is widely accepted as the best proxy.

Table I—a partial list of the 22 countries with a life expectancy of 75 years or better for people born in 1992—shows that even though the U.S. is the world's richest nation in terms of real gross domestic product per person, we can expect shorter lives than nations with a total population of 450 million.

And Table II shows that other industrial countries deliver more health care than we do. From 1972 to 1989, for example, hospital use went up in 19 of the 22 nations. It went down in only three: Canada, Italy (not shown) and the United States. In 1989, the average stay in countries for which data were available was twice as long as in ours: 12.9 days compared to 6.5 days. Hospitalization is not necessarily an index of the quality of care. Still, the numbers make it clear other nations provide more care than we do.

LIFE SPAN, HEALTH AND WEALTH

Countries in order of life expectancy	Life expectancy at birth, 1992, in years	Population in millions, 1992	Real G.D.P. per capita, 1991	Total expenditure on health, % of G.D.P.	Expenditure on health per capita, 1991
1 Japan	78.6	124.5	$19,390	6.8	$1,771
4 Sweden	77.7	8.6	17,490	8.8	2,372
5 Spain	77.4	39.1	12,670	6.5	877
6 Greece	77.3	10.2	7,680	4.8	274
7 Canada	77.2	27.4	19,320	9.9	1,847
8 Netherlands	77.2	15.2	16,820	8.7	1,664
11 Australia	76.7	17.6	16,680	8.6	1,466
12 France	76.6	57.1	18,430	9.1	1,912
13 Israel	76.2	5.1	13,460	4.2	509
14 U.K	75.8	57.7	16,340	6.6	1,003
17 Germany	75.6	80.2	19,770	9.1	1,782
18 U.S	75.6	255.2	22,330	13.3	2,932
22 Ireland	75.0	3.5	11,430	8.0	886

GIVING CARE, AND GETTING IT

	1972 hospital admissions *	1989 hospital admissions *	1989 mean stay in days	1960 psychiatric beds	1989 psychiatric beds	1989 nursing home beds	1990 population per doctor
Japan	5.6	8.1	44.9	95,067	355,743	NA	610
Sweden	18.1	19.6	NA	18,588	15,539	74,400	370
Spain	7.7	9.7	12.7	32,741	29,634	47,916	280
Greece	10.9	12.6	10.0	7,930	11,371	3,100	580
Canada	16.8	14.1	11.4	NA	NA	232,520	450
Netherlands	10.8	11.0	NA	NA	24,466	51,110	410
Australia	21.8	23.0	5.4	NA	9,822	74,779	440
France	14.9	22.8	NA	NA	99,942	NA	350
Israel	NA	NA	NA	NA	NA	65,941	350
U.K	12.0	15.9	NA	NA	85,695	78,300	710
Germany	15.9	21.5	NA	51,209	103,987	587,226	370
U.S	15.8	13.7	6.5	722,000	161,000	456,000	420
Ireland	13.7	15.2	6.9	NA	9,041	17,952	681

Not shown: Iceland (No. 2), Switzerland (3), Italy (9), Norway (10), Austria (15), Belgium (16), Finland (19), Denmark (20), New Zealand (21).

*People admitted as a percentage of population.

Sources: U.N. Development Program; Organization for Economic Cooperation and Development.

From 1960 to 1989, the number of psychiatric beds in the U.S. fell from 722,000 to 161,000. The rationale was that most mental patients did not belong in costly and restrictive state hospitals, that they could get better care in community mental health centers and group homes. But in too many cases, these promised alternatives never materialized, and mental patients ended up on the street. Other countries have taken a different path: Japan, for instance, increased its capacity 274 percent in the same period, from 95,000 beds to more than 355,000; Germany doubled its capacity. And homelessness in those countries is negligible.

Another telling indicator is care of the elderly. Canada, with one-ninth of our population, has fully half as many nursing home beds as we do. Germany, with one-third of our population, has 29 percent more. Israel has one bed for every 77 people; we have one for every 560.

Yet all these countries manage to spend considerably less on health care than we do. The average health expenditure per person in the 21 other nations was $1,603 a year in 1991; in the U.S. it was $2,932. Multiply the difference, $1,329, by our population of 250 million, and the total comes to $330 billion a year—a third of our total health care bill.

Why do we spend so much for less service and shorter life expectancy? A big part of the explanation is overhead, inefficiency, waste and even outright fraud. The insurance industry dominates health care in the U.S. as it does in no other country. The administrative cost of health care in this country is about 25 percent; in Canada it is about 10 percent. Average U.S. insurance company overhead is 14 percent—more than three times the overhead for Medicare and Medicaid, our much-maligned Government health programs for the elderly, poor and disabled.

We can't install a Canadian-style Government plan immediately without disrupting the entire health care industry. But future administrations and Congresses will have no choice but to move in that direction.

The failure to write the insurance industry out of our health care system is not just a matter of saving money. It is leading to inferior care and shortened lives. Our predicament is as clear as the numbers in these two charts. Our people feel it, and eventually they will come to know it.●

FISCAL YEAR 1995 TRANSPORTATION APPROPRIATIONS

● Mr. DURENBERGER. Mr. President, I rise to compliment my colleagues on the Transportation Appropriations Committee on the splendid work that has been done over the last 16 years, and particularly the last 4 years as we work to implement and fund the Intermodal Surface Transportation Efficiency Act of 1991 [ISTEA].

In particular, I would like to thank Senator LAUTENBERG and Senator D'AMATO, as chairman and ranking member of this esteemed subcommittee, for the courtesy they have shown me over the years. It has been a pleasure to work with both of them. I'd also like to extend my appreciation to my friend and colleague from Minnesota, Congressman MARTIN SABO, who, as a member of the House Transportation Appropriations Subcommittee has worked closely with me to secure funding for the State of Minnesota.

Reflecting on the many requests I have made of my colleagues on the Transportation Subcommittee, it is hard not to be impressed with the subcommittee's willingness to come to the aid of Minnesota. Equally impressive is the fact that this assistance was not weighted to any one mode of transportation.

For example, one of the first matters I was confronted with in 1979 was the bankruptcy filings of two of Minnesota's principal rail carriers—the Milwaukee Railroad and the Rock Island Railroad. Thanks in large part to the subcommittee, sufficient funding was made available to salvage a core system of the Milwaukee Railroad and to rehabilitate the Rock Island trackage most needed by Minnesota shippers. Without that assistance, many of the small towns and communities located along those rail lines would have lost their grain elevators, coops, and other industry essential to rural America.

In 1982, during the midst of a severe recession which decimated the Rust Belt communities dotting the Great Lakes, the subcommittee once again

came to the rescue by eliminating the original construction debt for the St. Lawrence Seaway. This debt was fast becoming a millstone which undermined the competitiveness of Great Lake ports. Combined with my efforts in 1986 to institute rebates on seaway tolls, we have been able to stave off the demise of the Great Lakes shipping community. The elimination of the collection of those tolls, contained in the bill pending before us today, is yet another step forward in the effort to restore the Great Lake port system to the position it held in the mid-1970's.

The Transportation appropriations bill has always been an important one for highways in the State of Minnesota. Under ISTEA, approximately 23 percent of the total road mileage in the State is eligible for Federal aid, allowing construction and restoration of much needed arterials as well as secondary and urban roadways. As a mostly rural State with only a few major urban areas, the safe construction and upkeep of our highways is extremely important for movement about the State.

ISTEA was especially important for the State of Minnesota as it authorized funding for 17 special highway projects. I am proud that, as a member of the Environment and Public Works Committee, I worked to secure this authorization, and since then, have worked to ensure that these projects have received funding through the Transportation appropriations process each year.

One such project was the design and construction of Trunk Highway 610—or the Crosstown—connecting I-94 with Trunk Highway 10. Not only does this highway provide a necessary east-west route, it also has three unique features distinguishing it from the many other highway projects authorized in ISTEA. First, it is intermodal, integrating the Crosstown with the proposed Twin Cities Light Rail Transit line. The construction project also made use of new research on pavement design to reduce deterioration caused by cold weather—perfect for helping the road survive those infamous Minnesota winters. Finally, the Crosstown Highway project is also a coordinated water resource project, utilizing storm water runoff to recharge the nearby aquifer. Thanks to the support of this esteemed subcommittee, Trunk Highway 610 is now in the final stages of its construction.

The Bloomington Ferry Bridge is one of the most comprehensive projects I have worked on during my time as Senator. This project involved building a replacement for the existing temporary bridge, which will expand the bridge's capacity from two to six lanes to accommodate the increased traffic associated with the growing population of the area. A metropolitan task force considered this the highest priority river crossing in the Twin Cities area. My colleagues have ensured that this project has continued to receive the necessary funding over the years and I'm pleased to state that this project is now in its final stages of construction.

ISTEA also authorized funding for the Avenue of the Saints, a four-lane highway connecting St. Louis, MO, and St. Paul, MN, running through Iowa. Prior to ISTEA, this corridor of 18.4 million people had extremely poor north-south arteries but our three States did not have sufficient funds to resolve the corridor's transportation deficiencies. This corridor has brought new economic advantages to the predominantly agricultural area set between the major metropolitian areas at each end of the highway. Once again, my colleagues have recognized the importance of this project and the Minnesota segment of the corridor—interstate 35W—is completed.

During consideration of ISTEA, I offered an amendment on the Senate floor to ensure the necessary foundation to maintain the existing interstate system that we have been building since 1806 when Thomas Jefferson signed the first Federal highway program into law. With a little urging, my Senate colleagues approved my amendment directing the administration to work with the States to design a National Highway System.

This year, the Senate approved a map, compiled by Secretary Peña, of the new and greatly expanded National Highway System. It builds on the existing Interstate System, covering almost 4,000 miles in my State—159,000 nationwide. This will serve to increase the number of highway miles eligible for investing funds, thus retaining greater flexibility in the program. I'm pleased to say that the appropriations bill before us today includes funding for several projects to become part of this new National Highway System.

ISTEA also included provisions to set a standard to define where pavement markings are necessary and to establish a minimum maintenance level of retroreflectivity—level of brightness reflected back to the driver when a light hits it—for pavement markings and signs. This provides a safer driving environment and be especially beneficial to older drivers. Over the years, the subcommittee has often recognized the importance of such safety features by granting States the necessary funding to facilitate improvements.

But highway improvements aren't the only focus of Minnesotans. My State recognizes the importance of looking to the future and increasing emphasis on other modes of transportation. I am pleased that the Intelligent Vehicle-Highway Systems Act development by myself and FRANK LAUTENBERG was incorporated into ISTEA in 1991. IVHS has four important benefits. It optimizes our transportation resources by moving more people per road and tax dollar. Our roads will be safer because congestion and accidents can and will be prevented. We will be more productive because workers will spend less of their workday on the freeway. And finally, a more efficient highway system means fewer gallons of gasoline burned and fewer tons of air pollutants to deal with. This puts technology to work for the people.

Minnesota is already a national leader in highway technology through its GuideStar Program, which includes advanced traveler management, traveler information systems, and other congestion management strategies. This system, which is now ready for real life demonstration, has received appropriated funds every year since the year we authorized it.

Under criteria which we established in ISTEA, Minnesota has since been chosen as one of only five high-speed rail corridors. The proposed Minnesota high-speed rail line would run through Minneapolis, St. Paul and Rochester, in Minnesota, to Lacrosse, Madison, and Milwaukee, in Wisconsin, to Chicago, IL. Funding for feasibility studies has been appropriated in the past and the project is moving forward. In my retirement, I am certainly looking forward to being able to travel more easily between these three States.

Throughout my term in Congress, I have been a strong supporter of extending Essential Air Service [EAS] to smaller rural communities. In 1987, I sponsored legislation which extended this program which is so vital to the economy of rural communities. This year, there was again a battle to eliminate this program, but my colleagues and I held firm. And in the end, this subcommittee recognized the value of ensuring air transit to communities distant from the larger metropolitan hubs. I am proud to state once again, that four Minnesota rural airports will receive EAS funding during the next fiscal year.

Some people may believe these types of funding projects are political pork projects, but ask my Minnesotans and they will tell you how much their lives have improved by not having to sit in traffic waiting to cross the Bloomington Ferry Bridge, or how much more efficiently people will be able to travel to nearby States—either via the Avenue of the Saints, or the future high-speed rail link. They will tell you that these projects are necessary to the economic viability of our State, as well as the quality of life of each Minnesotan. I am proud to have been able to facilitate these improvement projects for the State of Minnesota, and I once again give my thanks to my colleagues on the Transportation Appropriations Subcommittee for all the assistance they have given, both me and my State, during my 16 years in office.●

"THE SYSTEM DOESN'T WORK. THIS MIGHT"

• Mr. SIMON. Mr. President, I am catching up on some old magazines that accumulated and came across Business Week of June 13, 1994.

Among the articles are several on welfare, including one titled, "The System Doesn't Work. This Might."

It is a series of suggestions about what can be done to improve opportunities for those on welfare, and at the same time, ultimately, reduce cost.

While I do not agree with everything in the article, the basic idea, that we have to have jobs to have real welfare reform, is absolutely sound.

Other suggestions are that we improve job training, provide child care, adopt policies that encourage family collegian rather than discourage it and that we let states have flexibility.

The basic suggestion that we stress jobs is critical, but we have to recognize there are many people who cannot find the jobs and who cannot read about them because they cannot read and write, or they cannot read or write the English language.

We need to combine a jobs program, with government the employer of last resort but encourage private sector employment. Some modification of the old WPA is desirable, with people working 4 days a week for the minimum wage, and the fifth day, they should be required to look for jobs in the private sector. And in the process, they can learn the basics, like showing up for work on time. That sounds like progress. Then those who apply for these jobs must be screened, and if they cannot read and write, we have to get them into a program. If they have no marketable skills, you have to do the same.

I ask to insert the Business Week article, written by Howard Gleckman and Paul Magnusson, into the RECORD at this point.

The article follows:

[From the Business Week, June 13, 1994]

THE SYSTEM DOESN'T WORK—THIS MIGHT

(By Howard Gleckman and Paul Magnusson)

After three decades of bitter debate, the political system now seems on the verge of a remarkable consensus: Welfare as we know it must end. Changing a system so obviously flawed is a worthy goal, but the challenges are enormous. How can the typical welfare family—an unwed mother with two kids, little education, and few job skills—become self-sufficient? "Never in history," says Douglas J. Besharov of the American Enterprise Institute, "have poorly educated single mothers with children been an economically viable family."

But it is not hopeless. Emerging alternatives to welfare, although still small-scale and local, show promise. Business Week endorses a set of proposals that would slash welfare rolls by at least half—moving 2.5 million moms and nearly 5 million kids into mainstream society within two years. These proposals are based on a simple concept: Work is better than welfare. They would focus on getting welfare moms—and 90% of adults on welfare are mothers—into the private sector. Public-service jobs would be available but only as a limited, last resort. Fathers would have to provide financial support to their children.

Any reform plan must help those on welfare without sending the wrong signals to those already working. Business Week would continue benefits for the disabled and those with very young or ill children. Those able to work, who choose not to, would receive no cash benefits, but food stamps and medical care would still be available to kids. Working mothers would receive child and medical care, though only until they could support themselves.

Welfare reform would work best combined with a health-reform plan that gives equal access to medical benefits. Added child care may give welfare mothers an advantage over the working poor, but that may be a necessary price to pay to move moms into the workforce.

New hope. Business Week's proposals are not punitive. Instead, they seek to provide the poor with the same incentives as the rest of society: Those with intelligence and ambition will use their newfound jobs as stepping stones to more rewarding work. A majority may never get beyond low-paying jobs. But life will change because they—not government—would be responsible for their lives and those of their children. "We need to be saying it's good to work," says top Clinton welfare adviser David T. Ellwood.

Fixing welfare in this way could cost upwards of $4 billion a year—at least double what Clinton says his plan will cost. That figures a $4,000 annual tab for a child's day care, vs. Clinton's estimate of $1,700, plus $5,000 a year for each public-service job. Make no mistake; it would be cheaper to keep sending welfare checks. But consider the social costs: White women, for example, are six times more likely to go on welfare as adults if they come from a welfare family. Young black men who grow up on welfare are three times more likely to go to jail than those who do not.

Many newly working mothers will pay taxes and that will help offset the cost—perhaps $1 billion. The rest would come from spending cuts. Eliminating operating subsidies for Amtrak and setting user fees for the air-traffic-control system would save more than $2 billion annually. Trimming agriculture subsidies could save $2 billion more. Paying the bill will be tough, but the real challenge will be getting people working, restoring families, and giving kids some hope. Here's how Business Week would do it:

JOBS, JOBS, JOBS. There is widespread agreement among experts that up to two-thirds of the adults on welfare are employable. And most say they want to work. To help them, the system must be retooled to focus on skill training, job search help, and developing close ties to local businesses that can provide the jobs. These positions will be mostly entry-level and won't pay much to start. But with child care and medical benefits, they'll be a start on the road to economic independence.

That's what's happening at The New Hope Project in Milwaukee. Begun in 1990, it provides a wage subsidy, child care, and health benefits, but only for those who are working. Participants must look for private-sector jobs, though some take temporary community-service jobs. Early results: 60% of the 52 volunteers work in local companies.

One success story is 36-year-old Dora Young. A high-school dropout, the Milwaukee mother of five had been on and off welfare for 12 years. But a year ago she landed a full-time job with Marriott Contract Service Inc., cooking lunches for students at Marquette University. Young makes $6.17 an hour, so she's still getting an income supplement, plus food stamps and Medicaid. Her goal: "To get experience to get a better-paying job."

Not everyone will find work right away, so new public-service jobs will be needed. But real reform will succeed only if there are enough private-sector jobs to absorb the 2 million or so new workers. Recent studies suggest that work is out there—especially in an expanding economy that is creating about 250,000 positions a month. "It is realistic to think they can find jobs," says Labor Secretary Robert Reich.

Still, many jobs are in the suburbs and would require long commutes. Others just don't pay enough to pull a mother and two kids above the poverty line of $11,000. Says former Commissioner of Labor Statistics Janet L. Norword: "There are a lot of jobs for unskilled workers willing to accept minimum wage or just slightly above it."

Provide training. Welfare recipients can survive on such entry-level jobs, but good job training is critical if they are to do better than that. Most of the government's 50-plus training programs for welfare recipients have been well-intentioned but ineffective. To succeed, training must address the basics—arriving on time and taking orders—as well as job skills. And it must be tailored to the needs of individuals and the local market. Ideally, training ought to be tied to specific jobs. Such training won't necessarily cost much: We can retool existing programs, get rid of failed ones, and focus on what works.

Denver's Family Opportunity Partnership shows the promise of targeted training. The program works closely with a local temporary agency, Sunny Side Inc./Temp Side. It teaches word processing, computer programming, and receptionist skills and provides placement in clerical and secretarial jobs. Of the 20 participants hired by Sunny Side, 13 have either gotten a permanent job or are temping full-time.

Child care. Giving up a welfare check—and the related package of food stamps, child care, and the rest—doesn't make sense if the payoff is a low-wage job with fewer benefits. "Mothers on welfare would love to work," says Massachusetts Governor William F. Weld, "if they had health care and child care." He wants to abolish welfare but use the savings to provide those benefits.

Training and financial support helped Cynthia Hayes, a 31-year-old divorced mother of three who has been on welfare for three years. The Denver program led her through a word-processing and job-search course, then helped her land a $7-an-hour job. But Hayes says she couldn't have done it without adequate—and state-financed—child care. "There was no way," she says. "Child care would have cost me $900 a month.

Rebuild the family. Nearly 7 million children from one-parent families live in poverty. To help them, the economic and emotional links between fathers and children must be restored. Paternity should be disclosed at birth. Dads who are able should contribute child support. Others should be given training and, if needed, made to perform a public-sector job. Finally, family planning must be taught early to reduce the number of unwanted pregnancies.

Let states lead the way. All too often, federal rules stifle state welfare initiatives. Welfare programs ought to be turned over to

the states so that they are free to experiment, within guidelines set by Congress. The problems leading to welfare dependence are ultimately local, and state officials have been most successful in crafting solutions.

Today, the adults and children on welfare suffer daily from a well-intentioned but misguided system. It will take years to retool welfare into a job-creating machine. But until that is done, too many citizens will be denied a stake in the future. By focusing on jobs, the process can at least begin.●

JOHN YEHALL CHIN

● Mrs. FEINSTEIN. Mr. President, like many modest men, who say little about themselves but do a great deal for their fellowman, John Yehall Chin seldom if ever made headlines, but he will reside always in the hearts of all who knew him.

Born in Canton, China in 1908, he came to San Francisco in 1924 and instantly devoted himself to public service in the community at large and for the Catholic Church he loved.

From the outset, he was active in the Chinese-American Citizens Alliance and, in what became a life long association, for him, with St. Mary's Language School. Becoming a teacher in 1931, he became principal in 1956, a post he held until his untimely death this past July.

One of his lasting contributions was the organization in 1940 of the St. Mary's Girls Drum Corps, whose colorful uniforms and thunderous rhythms have highlighted parades from San Francisco to inaugural ceremonies in Washington, DC.

He was active in many organizations—Planning and Development Board for Little Sisters of the Poor Senior Citizens Center, Community Board of St. Mary's Hospital and Medical Center, Chinese for Affirmative Action, Chinese Chamber of Commerce, Chinese Newcomers Service Center and many others. Four times he served as president of the Chinese Six Companies, made up of major family associations in San Francisco's Chinatown.

In 1964, then Mayor John F. Shelley appointed John Yehall Chin to the newly organized Human Rights Commission, and he was reappointed four years later by then Mayor Joseph L. Alioto.

In 1972, he was elected to the Board of Governors of the San Francisco Community College District, the first Chinese American to win a citywide election. He was re-elected in 1976.

A trained accountant, he also had a successful business career and was vice president and manager of the Chinatown Branch of the Bank of the Orient.

For his many activities in the Catholic Church, he received many honors and was knighted by Pope John Paul II in 1981.

His only prolonged absence from San Francisco came during World War II when he served as a translator for the Army and an instructor for the Chinese Air Force.

For 47 years, he was married to Sybil Lum Chin, and he is survived by a son. Terrence, a lawyer in New York.

A modest man, yet a person of remarkable achievement whose legacy of service and selflessness shall never be forgotten.●

WHEN A CITIZENRY LOSES TRUST

● Mr. SIMON. Mr. President, recently, the Peoria Journal Star had an eight-point list of suggestions for citizens on how they can do a better and more responsible job.

I've never seen an editorial like this, and it deserves wide dissemination.

Their suggestions are everything from not asking for more than you can pay for to putting the Nation's interest above our own individual interest.

This is a superb editorial, and I ask to insert it into the RECORD at this point.

The editorial follows:

[From the Peoria Journal Star, Sept. 12, 1994]

WHEN A CITIZENRY LOSES TRUST

U.S. Sen. Paul Simon tells the story of the constituent who approached him at a town meeting and enumerated a dozen additional services he wanted from government. Simon told the man he'd see what he could do.

"And one more thing," the constituent said.

"What might that be?" Simon asked.

"Cut my taxes."

Yesterday we reflected on the obligations of government to the citizenry—specifically, the obligations of Congress and the president. We suggested eight steps elected officials might take to restore the trust Americans say they have lost in Washington. Today, we offer eight steps American citizens might themselves take. In a democracy, government is not a "they" but a "we."

1. We begin by suggesting—you guessed it—that Americans not ask more of government than they are willing to pay for. Funny, isn't it, how we expect to pay a hefty price to feed the family, more if the family grows, and we acknowledge that housing is expensive, more so if the house grows. But when it comes to paying for new roads or schools, to keeping the water clean and the parks open another year, we scream that we'd be able to afford everything we want next year on last year's taxes, if it weren't for the waste, fraud and abuse. The result, on the federal level, is a $4.7 trillion debt.

2. Educate yourself. Not just to get a good job but to be a good citizen. Pay attention to what's going on. Read all sides of an argument before making up your mind. Subscribe to a newspaper—more than one, if you can afford it. Benjamin Rush, an 18th-century Philadelphia doctor and freedom fighter, was so convinced of the essential nature of newspapers to a democracy that he proposed they travel the mail, postage-free. (He also suggested that one-fourth of the revenue being spent on the nation's capital be set aside for a federal university and that only its graduates be permitted to hold office.) We won't go quite as far as Rush, but we do admire this sentiment: "Let every man exert himself in promoting virtue and knowledge in our country, and we shall soon become good republicans."

3. Don't leave government to others. The genius of self-government is in the first half of the word. Join the League of Women Voters. Go to a party meeting. Support candidates. Run for office yourself. Be constructive; criticism comes far too easy. Understand that our form of government does not succeed untended, like a pine in the woods. It requires participation, like a rose in a garden.

4. Applaud leaders who listen to you, study an issue, give it their best judgment—then do what they believe is right. Support not just those legislators who always seem to agree with you, but those who disagree wisely. Do not send a puppet or a poll-reader to Congress. Do not be a one-issue voter.

5. Celebrate and defend what Americans have in common. Listen to what someone who disagrees with you has to say. He might have a point; you could change your mind—of his. Heed Thomas Jefferson's words: "Every difference of opinion is not a difference of principle."

6. Resist the separation of America into dueling interest groups. Guard against the impulse to make other Americans scapegoats for the nation's problems. Still appropriate is the warning George Washington issued in his farewell address about those who would "make the public administration the mirror of the ill-concerted and incongruous projects of faction rather than the organ of consistent and wholesome plans digested by common councils and modified by mutual interests." Otherwise, he said, "cunning, ambitious and unprincipled men will be enabled to subvert the power of the people and to usurp for themselves the reins of government."

7. Put the country's interests above your own, and the future above the present. Your leaders need your encouragement to do likewise.

8. The next time you lose faith in those you elect to office, ask yourself if you'd have more faith in the leaders of France or Italy or Russia or Canada or * * * you name the country. Remember that Americans have been despairing over their government since they first experimented with it.

The answer, Jefferson said in 1801, was not to be found in abandonment but in reaffirmation of "our own federal and republican principles, our attachment to union and representative government." Jefferson begged "the honest patriot" to recommit himself to a government that he believed was still "the world's best hope." That's still pretty good advice.●

GERMANTOWN FRIENDS SCHOOL

● Mr. WOFFORD. Mr. President, this year the Germantown Friends School celebrates its sesquicentennial anniversary. I ask my colleagues to join me in congratulating the students, teachers, parents, and alumni of the Germantown Friends School on this important milestone.

Since its founding in 1845, the Germantown Friends School has evolved from a one-room schoolhouse to an educational community of 850 students and 180 staff members. The school has provided quality kindergarten through twelfth grade education based on the Quaker principles of truthfulness, simplicity, self-discipline, respect for diverse heritages and experiences, peaceful resolution of conflict, and responsibility to the community.

Through its curriculum and activities, Germantown Friends School instills in its students the values that education, respect for others, and service to the community are part of a lifelong process. The school takes pride in its national reputation for providing students with valuable tools they can use as they pursue new dreams and goals.

As a former educator, I would like to commemorate the achievements of the Germantown Friends School and salute them on their contributions and achievements during the last 150 years.●

SENATOR COHEN'S HEALTH CARE FRAUD AND ABUSE AMENDMENT

● Mr. DURENBERGER. Mr. President, I rise today in support of the amendment offered last week by the Senator from Maine to combat fraud and abuse in our health care system.

Mr. President, the scope of health care fraud and abuse and its cost to our economy is staggering.

In July of this year, Senator COHEN released a report detailing the findings of a yearlong study undertaken by his minority staff on the Special Committee on Aging.

In his report, Senator COHEN pointed out that health care fraud and abuse accounts for as much as 10 percent of all health care spending. That means that, in 1994 alone, health care fraud and abuse will cost the citizens of this country over $100 billion. That's roughly $280 million in losses each day, $11.5 million each hour.

Mr. President, those figures are so overwhelming, they defy comprehension. By way of comparison, over the last 5 years, estimated losses from these fraudulent activities totaled roughly $418 billion—almost four times as much as the cost of the entire savings and loan crisis to date.

We should act—now—to stop this financial hemorrhage. We cannot afford, and must not tolerate, such larceny on a massive scale.

Mr. President, Senator COHEN has for years lead the fight within this body against health care fraud and abuse. He has worked extremely hard both to expose the fraud rampant throughout our health care system and to craft the legislative means to attach that fraud.

Characteristically, Senator COHEN has approached this issue in a deliberate and thoughtful manner. His recent report on health care fraud, which I strongly urge my colleagues to read, presents a detailed analysis of the factors which permit health care fraud to fester, and, based on that analysis, proposes a specific set of recommendations to reduce the pervasive fraud and abuse.

The amendment before us builds on those recommendations, together with the insights and comments offered by a broad range of parties engaged in the debate over how best to fight health care fraud and abuse. Indeed, I am gratified to note that, throughout the drafting process, Senator COHEN has solicited and—to the extent he could responsibly do so—incorporated comments from all interested parties, be they in Congress, the executive branch, or the private sector.

Mr. President, as Senator COHEN explained in detail in his recent report on health care fraud and abuse, current law is flawed in two fundamental ways.

First, and most importantly, current law fails to provide sufficient means to root out health care fraud.

Senator COHEN's amendment addresses this failing by establishing a new health care fraud statute in title 18 of the United States Code and expanding the capacity of the Secretary of Health and Human Services, and the Attorney General to fight fraud and abuse through the creation of an all-payer national health care fraud program. Law enforcement efforts would be further aided by more thorough data collection, a wider range of penalties, and additional funding through the health care fraud and abuse control account.

Second, current law fails to provide honest citizens who seek to abide by the law with sufficient guidance to delineate the scope of permitted conduct.

Senator COHEN's amendment remedies this by establishing procedures for regulators to solicit and adopt modifications to the current safe harbors to the antifraud statutes which are proposed by the public. Furthermore, the Inspector General, in consultation with the Attorney General, would be directed to issue appropriate interpretive rulings regarding the application of the antifraud laws.

Mr. President, that additional guidance is a key reform. Ironically, though current law does not effectively curtail billions of dollars worth of fraudulent activity, its uncertain application does impeded certain transactions among law-abiding parties which may be entirely proper. In particular, the current safe harbors are of little use to even the most conscientious parties. Senator COHEN's amendment would provide a means for persons acting in good faith who want to ensure that their conduct is entirely legal to seek specific guidance from the persons responsible for enforcing the law.

In closing, Mr. President, I once again wish to point out that the amendment presented by Senator COHEN is the culmination of many years of effort. I commend Senator COHEN for that effort. I was proud to support this amendment when it was incorporated in the mainstream coalition's health care reform proposal, and I am proud to support it. I regret the fact that Senator COHEN withdrew his amendment and hope this will be a priority for the 104th Congress as it continues health care reform debate.●

OUR ECONOMY NEEDS GLOBAL ATTENTION

● Mr. SIMON. Mr. President, the Chicago Tribune on Sunday, September 25, 1994, carried an op-ed piece by Ambassador Pamela Harriman outlining the trade decisions that we have to make and why we should make those decisions affirmatively.

I appreciate this contribution by Ambassador Harriman, and I ask that it be inserted into the RECORD at this point.

The article follows:

[From the Chicago Tribune, Sept. 25, 1994]

OUR ECONOMY NEEDS GLOBAL ATTENTION

(By Pamela Harriman)

Within the next two weeks, Congress will vote on a matter of great importance, one which will shape the economy of the United States and the world far into the future. Yet the issue—approval of the global trade agreement known as the Uruguay Round—has received relatively little attention in these tumultuous months in Washington.

It took seven years of negotiations to bring the Round to a close. During long, hard bargaining, particularly during the concluding weeks, our national interests were pressed strongly and successfully. From my vantage point, representing the United States in France—a crucial player in the world trading system—the very difficulty of the last months of negotiations demonstrates how finely wrought the agreement is, in order to advance both our own economic interests and the interests we share with our trading partners. In the end, we were able to forge an accord because they came to agree with us on three fundamental points:

Growth in international trade is essential for national economic health.

The trading system needs rules for areas such as agriculture, services and intellectual property.

And disagreements over trade will not disappear, even in free trade areas; it is better to have in place a set of principles and a mechanism to resolve disputes.

Any agreement negotiated among 128 nations involves compromise: each of the parties can find things in the package to criticize. But the benefits of the Uruguay Round far outweigh any problems. Congressional approval is critical for two reasons: our economy needs it for future growth and our leadership in the world demands it.

The accord provides a stronger, more reliable trading system that plays to American strengths. It cuts foreign tariffs on manufactured products by more than one third, the largest reduction in history. It greatly expands export opportunities for our farmers by eliminating all non-tariff barriers, including quotas, and significantly reducing tariffs. Firms and workers who make pharmaceutical, entertainment, software and other products gain new protection for their intellectual property. American exporters of services, such as accounting, advertising, computer services, tourism, engineering and construction are guaranteed more open foreign markets as well. Finally, the agreement streamlines the process for dealing with trade disputes, ensuring that all countries live by the same rules—a major objective set for U.S. negotiators by the Congress.

The U.S. recently emerged from a deep recession. Our companies and workers went through a painful restructuring, but they are now the most efficient and competitive in the world.

Predictability, much has been made of the possibility that the World Trade Organization might decide against us in a trade dispute. Some claim will diminish our sovereignty. That is a caricature that membership in the World Trade Organization raised every so often against international advances from the League of Nations to the International Monetary Fund to the UN. In fact, the World Trade Organization rulings will set guidelines for our practices, but will not dictate specific action on our part.

Even more important, a loss of nerve now whether a defeat this year or a delay until next year while the rest of the world moves ahead—would deal a body blow to markets worldwide. Negative repercussions would be felt across the American economy and, indeed, around the world.

Such failure or hesitation would also be read as a retreat from our historical commitment to free trade. The current global trading system arose from the trade liberalization treaties that the United States began negotiating even before World War II, as we recovered from the isolationist disaster of the Smoot-Hawley tariff. We have been at the center of every round of trade negotiations since then because it has been in our nation's interest—and in the world's interest—that we lead.

The trading system of the past was not up to the challenges of an expanding global economy. In the Uruguay Round, sectors that caused the most difficulty, including trade in agriculture, textiles, services and investment, will be dealt with realistically for the first time. We are committed to deal with the remaining challenges, such as aircraft, financial services, steel and audiovisual products.

Many of these are issues of particular difficulty here in France, where some fear their economic system may not have the flexibility necessary to compete on an equal footing in the kind of global market that is emerging. But France has accepted the Uruguay Round accord. It would be much more difficult, if not impossible, to make progress on these and other important issues with the French and with our other trading partners if Congress were to reject it, or treat it as partisan issue. Other great accomplishments—winning WWII, rebuilding Western Europe, staying the course in the Cold War, even NAFTA—were accomplished by Democrats and Republicans working together. History will judge harshly those who would turn our nation's place in the global economy into a political football.

In France this summer, we celebrated the 50th anniversary of a liberation largely won by the blood and sweat of a generation of Americans convinced that their country needed to play a positive role in global affairs, and optimistic that they could make a real difference. They were right then, and the same principles are true today. The future of the international economy will be molded by our decisions now. Our industry and our agriculture are the world's most efficient. We will prosper in the world, or fall behind. But we cannot opt out. It is time for decision, not delay.●

THE RICKI TIGERT NOMINATION

Mr. RIEGLE. Mr. President, I want to commend the Senator from Washington [Mrs. MURRAY] for the outstanding effort she has made with respect to the Ricki Tigert nomination, and I think that was obvious when the votes were taken.

I also want to say to our colleagues on the Republican side, both those who voted for the nomination and those who have agreed, albeit in some cases reluctantly, to the unanimous-consent request just entered into to enable this nomination to come to a conclusion tomorrow, I am very grateful for that decision, for that degree of bipartisan effort, to bring this matter to a close and to give Ricki Tigert a fair chance to assume this important position. I think she will be confirmed tomorrow, as she should be.

But, again, I want to congratulate the Senator from Washington.

Mrs. MURRAY. Let me also thank the chairman of the Banking Committee, the Senator from Michigan, who has done an outstanding job pushing much legislation through in my 1½-year tenure here, and also for his getting the Tigert nomination through. I appreciate all his help.

Mr. RIEGLE. Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Kentucky.

SENATE PILOT TEST OF ON-DEMAND PRINTING

Mr. FORD. Mr. President, I am pleased to announce that the Senate will begin a pilot test of on-demand printing this fall and through the first session of the 104th Congress. This program has been put together with the full cooperation and assistance of the Secretary of the Senate, the Senate Sergeant at Arms, the Government Printing Office, the Joint Committee on Printing, and the Senate Rules Committee.

Let me briefly explain the problem that hopefully we are going to fix. Title 44 of the United States Code, which deals with public printing, requires the Senate to print a specified number of bills and resolutions, usually several hundred copies. These numbers were established to ensure full public access to legislative proposals long before we had today's new communications, printing, and computing technologies. Consequently, we are printing large numbers of documents that we never use.

To give you an idea of the magnitude of this problem; at the end of the two sessions of the last Congress the Senate Document Room staff disposed of over 40 million pages of documents that were not used. Mr. President, I say to friends, that required almost 225 cords of wood—or 3,370 trees—covering 9½ acres. That is enough wood to build 11 single family homes.

Hopefully, here is how the program will work. The Government Printing Office will place a copy machine in the Senate Document Room which will be linked by a fiber optic communication line to the central GPO building. When additional copies of a bill, resolution, or other official documents are requested, the text of that document will be communicated electronically from the GPO building to this copy machine and the exact number of needed copies will be produced on the spot. This will eliminate the need to stock large quantities which end up in a recycle bin.

Under section 707 of title 44, the Joint Committee on Printing can limit the number of copies printed in the interest of economy and efficiency. Therefore, I have asked the Secretary of the Senate to examine the required print volumes and provide lower limits to meet known requirements, and to use the on-demand printing facility to supply additional copies when requested.

Next year when we examine the results of the pilot, I am confident that we will have produced a win-win situation. That is, we will give users the documents they need when they need them—we will have had a favorable impact on the environment—and we will have saved the taxpayers a large quantity of money.

Mr. President, I look forward to putting this into effect. I thank the Chair and yield the floor.

Mrs. HUTCHISON addressed the Chair.

LESSONS LEARNED FROM SOMALIA

Mrs. HUTCHISON. Thank you, Mr. President.

Mr. President, today there was a ceremony at Arlington National Cemetery. It was the first anniversary of the 18 rangers that were killed in Somalia and there was a ceremony that commemorated that event. There was a wonderful article in the Wall Street Journal this morning by Larry Joyce whose son was killed on that mission 1 year ago.

I want to take this opportunity, because I think it is very important, to say that we should have learned some lessons from Somalia; and for Larry Joyce to feel that the loss of his son, Casey, was worth something, I think we are going to have to show Larry Joyce and the parents of those rangers that were killed that, in fact, their deaths will save the lives of others.

I think we need to look at the lesson because we are in a situation that is very similar right now, and we have American troops in harm's way in Haiti. I think we need to make sure that the mission is clear. They have been sent over there on a U.N. resolution to try to bring democracy to Haiti. I want to help the people of Haiti, but I think we must determine if there is a United States security interest that would put our troops in harm's

way that is a mission that we have accepted in this country that would allow for the spilling of American blood in Haiti.

I have asked this question. I have asked it on the floor of the United States Senate, and I have asked it many times: What is the mission in Haiti? I think it is time for the President to define the mission.

We were told in briefings that our troops would not get between Haitian-on-Haitian violence, and yet we are seeing on television that there is much violence in Haiti, and we see our soldiers with their bayonets or their guns standing in the middle of this.

I am very concerned about the safety of our troops. I know everyone is. I know all Americans are concerned, and I know that every Member of the U.S. Senate is concerned.

So I just want to say that I think this day, the 1-year anniversary of what happened in Somalia when we lost 18 of our rangers, is an appropriate time to say, "Mr. President, define the mission, tell us what your timetable is and when will we begin to see our troops come home and when will we be finished with this phase of this mission?"

I think it is a very important question, and I want to say that I honor the 18 rangers who were killed in Somalia. I know all Americans do, and I think we should have a moment to say thank you and to say that we want the loss of life in Somalia to make a difference so that our troops are brought home from Haiti so that we will not again send our American troops into harm's way unless there is a United States security interest, unless there is a clear United States mission, and unless we know what our plan is, how our troops go in, what they are going to do when they get there, and how we are going to get them out.

I ask unanimous consent that the article written by Larry Joyce be printed in the CONGRESSIONAL RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Wall Street Journal, Oct. 3, 1994]

REMEMBER THE LOSSES—AND LESSONS—OF SOMALIA

(By Larry E. Joyce)

On this day in 1906 my father was born in dusty Segeville, Texas. And on the same day in 1993, my son, Army Ranger Sgt. James Casey Joyce, was killed on a dusty street in Mogadishu, Somalia, at the age of 24. Today, I'll call my dad and wish him well on his 88th birthday. And, at a ceremony at Arlington National Cemetery, I'll observe the first anniversary of my family's most tragic loss.

The ceremony was arranged by No Greater Love, a nonprofit group that was formed to honor the memory of those who gave their lives in defense of this nation or who were victims of terrorism. Today, they will remember the 44 members of the armed forces who died in Somalia during Operation Restore Hope. My family will be there, along with the families of the other American casualties of Somalia.

It will be the first time that most of us have met, even though we share an unenviable bond. While we haven't had a chance to discuss it yet, I'm sure we share something else too—the hope that this day of remembrance will remind the nation of the terrible price we pay when our brave young men and women in uniform are sent to enforce an invalid foreign policy.

As we dedicate the tree and the stone monument in Arlington to those 44 young lives, I'll also be reflecting on another memorial two miles away—the one that carries the names of 58,191 of my old comrades. I always hoped that the terrible price my generation paid in Vietnam would not have to be paid by my children or my grandchildren. But that hope was dashed last Oct. 3. Now, I simply hope that the sacrifices of those 44 brave young men are not forgotten.

That is why the No Greater Love ceremony today is so important. Already the media's memory of Somalia is beginning to fade. Reporters and columnists continually refer to President Clinton's foreign policy misadventures and few mention Somalia. Three days before American troops were sent into Haiti, the New York Times reported that the anticipated invasion would be the first time Mr. Clinton had ordered American soldiers into ground combat.

What about Somalia? President Bush sent the first contingent of 25,000 troops to ensure starving Somalis were fed. By the spring of 1993, all but 4,500 troops had been withdrawn and the mission was turned over to the United Nations. The responsibility for what happened to American troops in Somalia after that lies at the feet of the current White House resident.

Our policy in Somalia changed dramatically when President Clinton let the U.N. secretary-general talk him into switching a U.N. humanitarian mission into a unilateral U.S. manhunt. In August 1993, Mr. Clinton ordered a 400-man Ranger Task Force to capture Somali warlord Mohammed Farah Aidid.

Like our first naive foray into Vietnam three decades earlier, this new mission was ill-conceived. The task force was too small. The Rangers were denied their normal air support. Tanks and armored personnel carriers that could have reinforced or extracted them were also denied. And on Oct. 3, when they were outnumbered 30 to 1, the Rangers desperately needed all those resources.

Within 30 days, President Clinton realized what most military professionals knew from the outset: It was virtually impossible to track down an urban guerrilla warfare expert in the back alleys of Mogadishu, where he was once the police chief.

Ironically, it was former President Carter who had told President Clinton that a military solution woundn't work, but a diplomatic one would. Because of a previous relationship with Gen. Aidid, President Carter had made contact with him and reported to President Clinton—in the middle of last September—that Gen. Aidid was ready to negotiate.

If we had already decided in mid to late September to negotiate with Gen. Aidid, why was the Oct. 3 raid launched that resulted in the deaths of 18 more Americans? I got the chance to ask President Clinton that question face-to-face on May 12. The answer was, "I don't know." He told me he didn't want to micromanage the military and had intentionally remained disengaged from military matters in Somalia.

Tragically, no one told the Rangers that the rules had changed and to "back off" on capturing Gen. Aidid so a diplomatic solution could be put in place. And Robert Oakley, President Clinton's former special envoy to Somalia, is the only one close to the administration who has publicly acknowledged that there was a breakdown in communications between the White House and the military. He made that admission to "Dateline NBC" this July.

I hope President Clinton and future commanders in chief learn this from the foreign relations debacle in Somalia: When American troops are in a combat environment, they become the number one priority. Domestic agendas should be put on the back burner until the troops are out of the line of fire. The president must constantly stay abreast of the military situation to ensure that military actions are consistent with current foreign policy.

Had President Clinton taken these simple steps, there would be at least 18 fewer young men for us to mourn and remember in Arlington today.

Mrs. HUTCHISON. Mr. President, I would just like to say that I commend Larry Joyce for not letting the memory of his son go unheeded. He is saying, as I am saying, let us learn the lessons of Somalia and let us apply them in Haiti and let us apply them in a foreign policy that will stand for all the future missions that we take; and that is, we must make sure that our troops who sign up to defend the freedom of this country go only when there is a clear U.S. security interest.

Thank you, Mr. President. I yield the floor.

Mr. MITCHELL addressed the Chair.

The PRESIDING OFFICER. The majority leader.

LOBBYING DISCLOSURE ACT OF 1994—CONFERENCE REPORT

MOTION TO PROCEED

Mr. MITCHELL. Mr. President, I move to proceed to the conference report accompanying S. 349, the Lobbying Disclosure Act, and ask that the clerk report.

The PRESIDING OFFICER. The question is on agreeing to the motion.

The motion was agreed to.

Mr. MITCHELL. Mr. President, I move to reconsider the vote by which the motion was agreed to.

Mr. LEVIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The clerk will report the conference report.

The bill clerk read as follows:

The committee on conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 349) to provide for the disclosure of lobbying activities to influence the Federal Government, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses this report, signed by a majority of the conferees.

The Senate proceeded to consider the conference report.

(The conference report is printed in the House proceeding of the RECORD of September 26, 1994.)

CLOTURE MOTION

Mr. MITCHELL. Mr. President, I send a cloture motion to the desk, and I ask that it be stated.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The bill clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to close the debate on the conference report to accompany S. 349, the Lobbying Disclosure Act:

Carl Levin, Daniel K. Akaka, Daniel Inouye, Byron L. Dorgan, Harry Reid, J. Lieberman, Patty Murray, Dianne Feinstein, Frank R. Lautenberg, Russell D. Feingold, Tom Harkin, Paul Simon, Paul Wellstone, Howard Metzenbaum, Claiborne Pell, Christohpher Dodd, Herb Kohl.

VISIT TO THE SENATE BY VICE PREMIER OF THE PEOPLE'S REPUBLIC OF CHINA

Mr. JOHNSTON addressed the Chair.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. JOHNSTON. Mr. President, it is with a great deal of pleasure that I introduce to my colleagues the Vice Premier of the People's Republic of China, who is also the Foreign Minister of China, Minister Chen, who is with us in the Chamber at this time.

Mr. LEVIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Michigan.

LOBBYING DISCLOSURE CONFERENCE REPORT

Mr. LEVIN. Mr. President, I am terribly disappointed that it was necessary to file a cloture motion on this lobbying disclosure conference report. I hope it will not get caught in the grip of filibuster politics. It contains the toughest disclosure requirements for paid professional lobbyists in the history of this country. The bill would close the loopholes in existing lobbying registration laws. It would streamline reporting requirements. It would reduce paperwork and provide effective administration and enforcement.

Senator COHEN and I introduced this bill on a bipartisan basis in the Senate with Senators GLENN, ROTH, BOREN, CAMPBELL, STEVENS, MCCAIN, DECONCINI, and BRYAN as cosponsors. The Senate approved the bill a year ago by a near unanimous vote of 95 to 2. The conference report was signed by all Senate conferees from both parties and passed the House last Thursday by a bipartisan vote of 306 to 112.

A few inaccurate statements have been made about this conference report in the last few days. Contrary to some reports, the bill would not require citizens who call Congress or come to Washington to express their own views to register as lobbyists. It would not place a gag rule on grassroots lobbying or limit grassroots lobbying in any way. It would not require grassroots organizations to disclose their membership lists or their contributors. It would not require churches to register as lobbyists.

Now, let me just set the record straight. First—and I am going to repeat this a few times because there are some people who have spread a statement to the contrary which is inaccurate—only paid, professional lobbyists would be required to register under this bill, just as in current law. Only paid, professional lobbyists would be required to register under this bill just as it is with current law. Current law, however, is filled with such loopholes that maybe three-quarters of the professional lobbyists in this town escape registering so that we had this bipartisan bill introduced. And so for the third time, so there is no mistake, only paid, professional lobbyists are required to register under this bill.

Just as with the bill that passed the Senate, the conference report specifically defines a lobbyist as an individual who is "employed or retained by a client for financial or other compensation" to make those lobbying contacts. And, of course, there are de minimis exclusions in the bill, but no one has raised an issue about the de minimis exclusion. There has been a suggestion that somehow or other people who are not paid, professional lobbyists might be required to register, and that is not true.

The Senate report on the bill made the same statement:

The bill focuses on paid, professional lobbyists because it is the element of pay that justifies the disclosure requirements. For this reason [that element of pay] the registration requirements of the bill apply only to paid lobbyists.

That is from the Senate report. Nobody who lobbies on his or her own behalf or on behalf of anyone else in a volunteer capacity would be required to register. You do not have to register if you call your Member of Congress. You do not have to register if you write your Member of Congress. You do not have to register if you come to Washington and meet with Members of Congress. You do not have to register if you join an organization that lobbies Congress. You do not have to register if you contribute to an organization that lobbies Congress. You do not have to register if you sign a petition, join a picket line, or march in a parade. You do not have to register if you call a talk show. You only have to register, just as under current law, if you are paid by a client to lobby on behalf of the client to express the client's views—not your own, the client's views. Only paid, professional lobbyists have to register.

Second, the bill would not place any limitations or disclosure requirements on grassroots lobbying by citizens who organize to present their own views to the Congress. What the bill does do is require paid, professional lobbyists to estimate how much money they pay on behalf of a special interest they represent to stimulate the lobbying at the grassroots to Congress. It is only the paid, professional lobbyists who are required to register,. who are required to estimate how much they paid out.

Only if a lobbyist who is otherwise required to register spends money to conduct that kind of a campaign, that paid, professional lobbyist then must estimate the amount of money the lobbyist and its employees spend in that effort in the name of the person that they hire to implement that effort.

Now, the reason for that provision is best seen from recent press articles on these so-called rent-a-firestorm lobbying campaigns by paid, professional lobbyists. And the description of those rent-a-firestorm lobbying campaigns, sometimes called astroturf lobbying, because it is artificially created, is set forth in a number of press clippings, which I ask unanimous consent be inserted in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See Exhibit 1.)

Mr. LEVIN. Mr. President, the point is this, that the Lobbying Disclosure Act—and again I emphasize because it is so important, a bipartisan act, and it is important to be kept that way—does not require ordinary citizens to register in connection with grassroots lobbying efforts. It does not require anybody to register or disclose anything unless that person is a paid, professional lobbyist.

Now, some opponents of the bill have suggested that section 104(b)(5) would require paid, professional lobbyists to disclose the names of unpaid individuals or volunteers that they contact as part of a lobbying campaign, and that is incorrect. The bill expressly states in section 103(6) that the employees who must be disclosed do not include volunteers who receive no financial or other financial compensation for their work.

Section 104(b)(5) by its terms requires the disclosure of a person only who is hired by a lobbyist to conduct that astroturf lobbying campaign, and nobody who is called as part of that campaign or who calls Congress as part of that campaign would be required to register as a lobbyist or have their name disclosed in any way.

The provision was added to the bill at a House subcommittee markup on November 22, 1993—about a year ago—where the bill was approved by a unanimous vote, no dissenters from either party, and when the bill passed the House on March 24, 1994, no member of

either party raised any concern about the astroturf lobbying provision. Staff for our conferees were briefed on this provision in June where every word of the proposed lobbying disclosure language was gone over. A number of changes were made to the proposed language as a result of concerns that were raised by staff but no concern about this provision.

Mr. President, the suggestion has also been made that section 105(b)(5) would require organizations employing lobbyists to disclose their membership or contributors' lists. This is also untrue. Section 105(b)(5), which was added on the Senate floor, requires paid, professional lobbyists to disclose the name of "any person or entity other than the client who paid the registrant to lobby on behalf of the client." It is only if the bills are paid by somebody else that the identity of the person paying the bills has to be disclosed. Indeed, it was a Republican staff member of the House Judiciary Committee who pointed out that unless you had that language that you would have a major loophole.

As I explained when this provision was adopted by the Senate, it would require only that "if a lobbist's bills are paid by somebody other than a client, the identity of the person who pays the bills would have to be disclosed." (CONGRESSIONAL RECORD, May 5, 1993, page 9278).

The type of case covered by this provision is one that I understand was first raised by the Republican staff for the House Judiciary Committee: What if a lobbying organization could not afford to pay its lobbyists, and a trade association stepped in and paid their bills? Shouldn't that be disclosed? I am not sure how likely that scenario is, but this provision would require such disclosure. In any case, the conference amendment contains the same provision as the Senate bill on this point.

The subject of membership and contributors' lists was discussed extensively in the Governmental Affairs Committee hearings on this bill, and the decision was made that so much disclosure should be required.

The subject of membership and contributors' list was discussed extensively in the Governmental Affairs Committee. At hearings on this bill a decision was made that no such disclosure would be required. As a matter of fact, we went beyond that. It was not just that we were not going to require it. It is that we should not require it because of the first amendment implications if there were such a suggestion. It is our Governmental Affairs Committee language which says that "the Committee believes that a broad requirement to disclose all coalition members would have serious first amendment implications." (S. Rep. 103–37, p. 31.)

So there is no such requirement because we were aware of those implications and acted on them.

Finally, Mr. President, the bill contains express exemptions from registration by religious organizations, media organizations, and yes, even talk-show hosts.

Mr. President, this bill contains express exemptions from registration by religious organizations, even those organizations that have paid professional lobbyists on their staff.

Section 103(9)(B) and 103(10)(B)(xviii) expressly exempt religious organizations, such as churches and associations of churches, from having to register. This exemption was worked out with the major religious denominations prior to its incorporation into the bill. As the Baptist joint committee explained in a September 29, 1994, letter to Representative JOHN BRYANT, the chief sponsor of the legislation on the House side:

> We think that Section 103(9)(B) and 103(10)(B) adequately protect the free exercise rights of churches and religious organizations.
>
> This language has been examined and approved by a number of religious organizations and their church-state experts, including from the Jewish community, mainline protestants and the United States Catholic Conference.

So that letter which we received from the Baptist joint committee sets forth the assurance that we had gotten and that we gave to the major religious organizations and churches that there was no way that, even if they had a paid professional lobbyist on board, they have to register. There is an exemption. That is why this letter was received saying that the free exercise rights of churches and religious organizations is adequately protected.

In other words, even if a religious organization has a paid, professional lobbyist, it is not required to register.

Mr. President, I ask unanimous consent that the text of the letter from the Baptist joint committee, and of similar letters from the Religious Action Center of Reform Judaism and the U.S. Catholic Conference appear in the RECORD immediately following my remarks.

Ther PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1).

Mr. LEVIN. Finally, the bill covers only persons paid to contact Government officials on behalf of clients. Persons expressing their own views, not those of paying clients, are not covered by the bill.

Mr. President, last Friday, the citizens' group Public Citizen put out a factsheet addressing some of the many misstatements that have been made about this bill. The Public Citizen statement concludes, correctly, that only paid, professional lobbyists would be required to register under the bill. I ask unanimous consent that the full text of Public Citizen's factsheet be included in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From Public Citizen]

NEWT GINGRICH AND RUSH LIMBAUGH ARE MISINFORMING THE AMERICAN PEOPLE MYTHS AND FACTS ON THE LOBBYING DISCLOSURE ACT OF 1994

On September 29, 1994, Newt Gingrich and other Members took to the floor of the House to denounce lobbying disclosure legislation. In their statements, they horribly distorted both the intent and effect of this bill. Rush Limbaugh took to the airwaves on the same day, spreading the same misinformation and needlessly alarming religious organizations and average citizens. Here are the facts.

Myth—The bill includes a "grass roots gag rule" that will require ordinary citizens who communicate with members of Congress to register as lobbyists. For example, a staff member of the "California Desert Association" who stays for two nights in a Washington hotel and visits Members of the California delegation will have to register. (Newt Gingrich, R–GA, Cong. Rec. H 10277).

Fact—The only people the legislation defines as lobbyists are those who are paid to make "lobbying contacts"—namely, communications with a member of Congress or his or her staff or an executive branch official. In addition, persons paid to make lobbying contacts who spend less than 10 percent of their time on lobbying activities are not considered lobbyists. Thus, volunteers or private citizens speaking their minds will never have to register, nor will an organization that uses only volunteers or members to contact Congress. A paid staff member of a state organization who makes a few trips to Washington each year to visit Members of Congress is not a lobbyist unless 10 percent of her time (more than a month a year) is spent on lobbying activities. Furthermore, an organization that employs a lobbyist, but spends less than $5,000 in a six month period on lobbying activities, need not register at all.

Myth—The bill will require people who give $10 to the Christian Coalition to be listed on the lobbying registration and reports filed with the Government. (Dan Burton, R–IN, Cong. Rec. H 10275.)

Fact—If the Christian Coalition employs a paid lobbyist, it will register as an organization just like any other organization that lobbies. It will identify the person it employs as a lobbyist. It will not have to list its members or financial supporters. The bill specifically provides that the "client" of the paid lobbyist is the Christian Coalition as an organization, not the Coalition's members. The provision referred to by Rep. Burton only applies to individual lobbyists who register on behalf of a paying client and who are also paid by other entities to lobby on behalf of that client.

Myth—Organizations must report when they communicate with their own constituents. "That is crippling the right of the citizen to be involved." (Newt Gingrich, R–GA, Cong. Rec. H 10278)

Fact—Organizations that urge their members to contact Congress on an issue are engaged in grassroots lobbying communications under the bill. However, only if they have a paid lobbyist on their staff do they have to register. And if they register, all they have to do is make a good faith estimates (within ranges) of expenses of their grassroots communications. Organizations

that have no lobbyist do not even have to register. Organizations never have to report on when they communicate with their members or the content of the communications.

Myth—"The bill authorizes fines up to $200,000 against private citizens for failing to register with the new lobbying bureaucracy created by the act. Yet a Member of Congress will not even have his or her name disclosed if he or she breaks the law." (John Doolittle, R–CA, Cong. Rec. H10291)

Fact—The bill subjects lobbyists to fines of $10,000 to $200,000 for "major violations" of the Act. Minor violations are subject to a fine not to exceed $10,000. There is a $200 per week fine for late filing of a registration or report required under the act. The act specifically provides that no penalty shall be assessed until the Director of the Office of Lobbying Registration finds that the person "knew or should have known" that they were acting in violation of the Act. Members have no obligations under the lobbying registration provisions. They are subject to sanctions from the House or Senate Ethics Committees for violation of the new gift rules. Those sanctions include the possibility of fines and even expulsion from the Congress.

Myth—If a religious group "sees a moral issue before the country, they must hire a lobbyist who must divulge lots of things about the religious group involved in our political discourse." (Bob Dornan, R–CA, Cong. Rec. H10275.) The bill allows a government bureaucrat to define "religious freedom." (Newt Gingrich, R–GA, Cong. Rec. H10278.)

Fact—The bill contains two exemptions that are relevant to religious organizations. First, any communication made by a church, an association of churches, or a religious order that constitutes the free exercise of religion or is for the purpose of protecting the right to the free exercise of religion is not a "lobbying contact." Therefore, even if a church has a staff member who is paid to communicate with Congress on such issues, it need not register. The final arbiter of the meaning and application of this provision, as with the entire statute, will be the federal courts, not the Director of the Office of Lobbying Disclosure. Second, even if a church is required to register, when it estimates its expenses incurred in lobbying activities, expenses for grassroots lobbying communications conducted by its own staff are exempt. The religious exemption provisions were approved by the United States Catholic Conference, the Baptist Joint Committee, and the Religious Action Center of Reform Judaism.

The only thing that a lobbyist or lobbying firm hired by a religious organization must disclose about that organization is its address and how much it has been paid for its services.

Myth—The conference inserted the grassroots lobbying provisions into the bill at the last minute. (Rush Limbaugh, 9/29/94.)

Fact—Virtually these exact provisions have been in the bill since the subcommittee markup on November 22, 1993. No one mentioned them when the bill passed the House on March 24, 1994. Newt Gingrich did not even speak on the bill in March.

Myth—Radio talk show hosts could be considered lobbyists under this bill. (Rush Limbaugh, 9/29/94.)

Fact—The bill's definition of lobbying contact specifically excludes any communication made through radio, TV, cable TV, or other medium of mass communication. Even if it didn't, Limbaugh expresses his views on behalf of himself, not his employer, so he would not be considered a lobbyist.

Mr. LEVIN. Mr. President, I hope that this sets the record straight, and we can move forward to pass this bill and ensure that paid, professional lobbyists can no longer ignore the law and avoid public disclosure of their activities.

EXHIBIT 1

[From the Chicago Tribune, Dec. 6, 1992]

MORE AND MORE, LOBBYISTS CALL SHOTS IN DC

(By: Christopher Drew and Michael Tackett)

Soon after the U.S. Senate passed an amendment last year that would have forced banks to lower the interest rate on credit cards, Jack Bonner's phone was ringing.

Banking industry officials, fearful of losing billions in profits, urgently needed Bonner's help. They wanted his "grass-roots" lobbying firm to create the appearance of a spontaneous uprising against the measure.

The amendment had enormous appeal. What consumer wouldn't want to pay less interest? And why should banks be able to charge 19 percent interest on credit card purchases, more than 10 percentage points above the prime lending rate?

The Senate had approved the amendment by an overwhelming vote, 79–14. Sen. Alfonse D'Amato (R-N.Y.), the amendment's sponsor, bounced all over television, delighting in the role of the little guy's champion. House Speaker Tom Foley (D-Wash.) voiced initial support. And President Bush had started the push by calling for lower rates in a speech.

The issue had gale-force Washington wind behind it.

"It came out of the blue," said Philip Corwin, a lobbyist for the American Bankers Association. "Everybody concerned was panicked."

The banking industry wanted Bonner to fan opposition among influential people in the congressional districts of 10 carefully selected members of the House Banking Committee. With the support of these members, along with those considered reliable allies, the bankers believed they could kill the amendment to a broader banking bill.

Bonner sells instant democracy. He offers clients help in winning a legislative fight "predicated on the belief" that the best way to sway elected officials to vote in a particular way is to prove "that a broad cross section of their constituency understands the issue and supports a certain legislative outcome."

What are public officials responsive to? "One is, of course, good public policy as they see it," said Bonner, a one-time aide to the late Sen. John Heinz (R-Pa.). "And two is what gets in their face."

To fight the credit card amendment, hundreds of Bonner's people, schooled in guerrilla tactics of persuasion, made more than 10,000 phone calls over a four-day period, including a weekend, urging voters to call or write their lawmakers.

His people are not standard telemarketers who speak in monotones. He calls them "unemployed policy junkies," available only in Washington's unique labor pool. Many had worked in politics and government; they knew how to construct an argument and fervently pitched the banking industry position.

The callers' argument was that if the amendment became law, millions of people might have to give up their credit cards. (The bankers association now concedes it had no firm evidence to support the claim.) They also argued that small businesses would suffer because the number of credit buyers would drop.

"They want to scare the hell out of people," said a staff member of the House Banking Committee. "There's no hard evidence."

If the telephone pitch worked, Bonner's people immediately patched the voters through to their representative's office or persuaded them to write a personalized letter.

Bonner claims a high success rate, and the reception area of his downtown office is lined with framed letters of praise from his well-heeled clients. His fees may support his claim. The American Bankers Association paid Bonner & Associates at least $400,000 to fight the effort to lower credit card interest rates. Collectively, Bonner and other bank lobbyists created a fog so thick that Congress did what it usually does when faced with enormous pressure: preserve the status quo. The amendment died in a House-Senate conference committee.

Curtis Prins, staff director of a House banking subcommittee, said an operation like Bonner's "prostitutes the legislative process" by spreading questionable information.

Bonner disagrees, saying, "We are in a democracy, in case anybody has forgotten. A democracy is a symphony of noise, oboes to kettle drums. The more competition there is from the Right, the Left, the center, the healthier democracy is."

"Everyone spins," he said, "Civil rights groups, environmentalists, the business groups, every group on God's green acre spins."

Bonner's business is a niche market in the influence game, a growing segment of Washington's burgeoning fog industry that significantly affects daily public policy decisions.

"Creating a situation," "creating an environment" and "allowing the other side to be heard" are catch phrases of Washington's fog merchants, those who take facts, craft them into a politically salable message and attempt to influence government policy.

Few people realize just how huge the influence industry has grown, how much it has insinuated itself into the core of the governmental decision-making process and how much it drowns out other voices in a national debate.

This vast army of lobbyists, consultant groups, political law firms, public relations wizards and special interest groups has become a virtual fourth branch of government—one that remains powerful no matter which party is in the White House.

Many in public affairs believe the industry's spectacular growth also is tilting the balance of power in America and corrupting the basic character of its democracy.

In his book "Keeping Faith," Jimmy Carter, the last president to work with a Congress led by his own party, warned that the influence-peddlers were "a growing menace to our democratic system of government."

Since Carter left office in 1981, the situation has worsened considerably. The number of lawyers, lobbyists and public relations consultants in Washington trying to influence government has tripled, to perhaps 20,000—or about 37 for every member of Congress.

And their hold over public policy has become so tight that it practically takes a political or economic crisis for leaders to break through it.

From midway in President Ronald Reagan's first term through the Bush administration, the national government has seemed

paralyzed in the face of critical domestic issues.

This was partly because of the incessant bickering between the Republican White House and the Democratic Congress. But the paralysis also reflects the growing power of the special interest groups.

Many of them have a virtual veto over legislation in their fields and can rip apart proposals they dislike. When their interests diverge, they often clash so ferociously that political leaders are unable to forge enough of a consensus to make bold descisions of any kind.

On Nov. 3, voters elected Bill Clinton, and sent 120 new members to Congress, partly out of hope for breaking through the gridlock. But to fulfill his promises for sweeping changes in economic and health policy, Clinton will have to steer his programs through hundreds of groups interested in preserving the status quo.

"The bottom line is that we have to change the way business is done in Washington if we are going to achieve change in the country," said Fred Wertheimer, president of Common Cause, the citizens lobby that has long pressed for reform of the campaign-finance system.

No presidential candidate recognized this more than Ross Perot. If he were elected president, the Texas industrialist said, "All these fellows with the thousand-dollar suits and alligator shoes running up and down the halls of Congress . . . they'll be over there in the Smithsonian, you know, because we're going to get rid of them."

The influence consultants don't spend tax dollars, at least not directly. Yet their actions affect nearly every aspect of citizens' lives, from the price of medicine to the quality of food, the safety of a car and the very security of American jobs.

The $400 billion bailout of the savings and loan industry, the graft and corruption at the Department of Housing and Urban Development, the theft and abuse by dozens of Pentagon contractors who traded on inside information all grew from the mercenary culture as it tried to manipulate government regulation or procurement for profit.

It was chemical companies, computer groups and agribusiness firms interested in export sales that pushed President Bush to dismiss worries about Saddam Hussein's erratic behavior right up until the Iraqi leader invaded Kuwait. When Bush indicated he was ready to go to war to liberate Kuwait, Kuwait spent nearly $20 million on public relations and lobbying to make sure that Congress and the American public would support the president.

Some say the actions of lobbyists also have damaged the United States' competitive standing in the world economy. As international trade expands, well-connected American lobbyists often represent Japanese and other foreign corporations in their battles with Washington, sometimes at a direct cost in American jobs.

Economist Mancur Olson of the University of Maryland contends that as business groups win government subsidies or restraints on their competitors, they reduce the efficiency and the flexibility of the economy and slow America's economic growth. Olson says that the defeat suffered by Germany and Japan in World War II shook up their power structures and made it easier for innovative economic strategies to prevail.

To be sure, no one disputes the right of any group to petition the government or to seek a guide through its bureaucratic maze. And everyone knows that a well-placed bit of pressure long has been a part of life in Washington.

James Madison, for example, called some of Washington's earliest special interest groups the "mischiefs of faction." When Ulysses Grant saw influence-peddlers in the lobby of the Willard Hotel, he coined a phrase lobbyists. Franklin D. Roosevelt called them parasites.

But the lobbying community generally operated on the fringe of Washington power until the late 1960s and the early 1970s, when an explosion of federal regulations greatly extended the reach of government and convinced many corporations that they should be represented in the nation's capital.

Post-Watergate reforms in campaign financing made the under-the-table cash payment nearly extinct but created a whole gamut of legal devices, such as political action committees, to pay for influence. The 1970s also brought changes to reduce the power of the congressional leadership, fragmenting discipline in Congress and giving lobbyists more levers to appeal.

During the Reagan and Bush administrations, the demand for lobbyists soared even more, as the tension between regulation and deregulation made the executive branch an increasingly important place to do business.

The new pressure points are the Food and Drug Administration, the Commerce Department and the U.S. Trade Representative's office, all places where influence is harder to track than in Congress.

Nowadays, the influence industry has some widely known players, including nearly 2,000 business and trade groups, from the National Association of Home Builders to the Independent Insurance Agents of America. Defense contractors, automakers, computer companies and other big firms have "governmental affairs" offices to oversee their interests in Washington.

The trade groups and corporations usually square off against labor unions and consumer and environmental organizations ranging from the Sierra Club to dozens of groups linked to Ralph Nader. But sometimes they battle among themselves. The American Newspaper Publishers Association, for instance, is lobbying Congress to keep the regional Bell telephone companies from offering classified advertising and stock quotations over their phone lines.

Then there are several thousand influence consultants, whose law, lobby and public relations firms line Washington's K Street and nearby avenues.

Most of them work for corporations and trade groups, and their calling card is normally the strength of their political connections.

In many ways, lobbying, like politics, is the most human of endeavors. The lobbyist's job is to get in to see the chief decisionmaker and win him or her over—through friendship, blandishments or political ties. But in other ways, the influence business has become as complex and arcane as science and as nasty as political campaigning.

From lavish offices close to the White House or the Capitol, Republican and Democratic lobbyists alike sell their Rolodexes full of contacts and an intimate knowledge of how government works with little allegiance to anything but their own clout.

"They're courtiers," said William von Raab, who served for eight years as U.S. Customs Service commissioner in the Reagan administration and now does some lobbying himself.

"It's Louis XIV all over again," he added. "In that era, if you were a courtier, you made your money by selling access, and these people do the same thing except they don't live in the palace."

Every day, lobbyists and government officials share lunch table at expensive Washington restaurants, such as 21 Federal and the Jockey Club at the Ritz-Carlton Hotel. Lobbyists buy up blocks of tickets to Washington Redskins games and Kennedy Center shows to entertain officials. They play host to the most lavish parties in town. They put together golf outings, Potomac River cruises and duck shoots on nearby Chesapeake Bay. Some are said to be willing losers in poker games with somebody they want to influence.

All of this has created a cocoon-like atmosphere in Washington. Indeed, the governing circles have become so inbred that harried members of Congress often turn to friendly lobbyists for advice on how to give—or even let them draft bills.

But if quiet persuasion fails, today's lobbyists do not hesitate to launch high-tech "grass-roots" campaigns—using advertisements, phone banks, a flood of computer-generated letters and hastily formed coalitions of citizen groups—to place their own spin on an issue and create the appearance of enormous public pressure. Some of the top lobbyists also work as political campaign strategists and they know that controlling the perception of an issue in the media is crucial.

In many ways, information has become as important a form of political currency as campaign contributions. But critics ask: What happens if the only voice a decisionmaker hears is distorted or one that is simply the loudest or best connected that money can buy?

Essential Information, a self-described public interest research group, studied front groups and concluded, "Every day, groups with deceptive-sounding names, groups that represent major American corporate powers, are seeking to convince journalists and the American people that the groups represent something more than the usual corporate interests.

"The reason is simple—it's easier to believe disinformation when disinformation is coming from an apparently disinterested party."

One example is the National Wetlands Coalition. It sounds like an environmental protection group, but it actually is comprised of real estate developers and oil companies that wants to reduce the amount of wetlands protection by federal law.

None of this comes cheaply, and the lobbyists don't always succeed. The most powerful can charge each client monthly retainers of anywhere from $10,000 to more than $100,000, depending on the amount of work. A number of the best personally earn anywhere from $500,000 to several million a year.

But if a company can earn an extra $5 million by preventing a regulation or by winning a contract, 10 percent is a cheap price for influence.

And such results are visible across the spectrum of the government every day.

Banking lobbyists recently persuaded regulators, for instance, to slash a proposed increase in premiums for deposit insurance, even though experts warn that a banking crisis could be looming.

Lobbying has "stalled a lot of what the ordinary American would care about and facilitated a lot of what the average American wouldn't like," said Kevin Phillips, a Republican political strategist.

Phillips said that on a wide range of little-publicized issues, lobbyists routinely "take

advantage of the process. They can preempt it, tailor it sometimes with a little amendment that doesn't affect very many people, just the Glotz Corp."

But on the bigger issues, where there is a wide public interest and greater scrutiny, Phillips said that often the net effect of all the lobbying is to "paralyze the process. Sometimes it means you wind up with the status quo. Often what it means is it is impossible to achieve any innovative breakthrough."

The revolving door between the government and the private sector is spinning faster than ever, and people who enter government often must confront lobbyists who once held their jobs and who know the rivalries and minefields within their agencies better than they do.

Indeed, some critics say government positions have become little more than a training camp for high-paying jobs in the influence industry.

For example, John Sununu became a lobbyist for a Fortune 500 company after he got bounced as White House chief of staff. Craig Fuller, who was Bush's chief of staff when he was vice president, pulls down $500,000 a year as the top lobbyist for Philip Morris Co., one of the biggest tobacco companies. One-time Senate Republican leader Howard Baker has a contract, also for $500,000 a year, to help the nation of Jordan hold on to its foreign aid.

"One of the tragedies is that there is an insider deferred-compensation syndrome that is in many instances very unseemly," said Rep. Jim Leach (R-Iowa).

Leach's point is not that former officials are taking payments from companies for which they did specific favors but that they are selling the knowledge and expertise that they gained at taxpayer expense to interests that want to manipulate government policy.

"There are very few Dean Rusks who served in Cabinet-level jobs in Washington recently," Leach said. Rusk, who was the secretary of state under Presidents John Kennedy and Lyndon Johnson, "went back to the University of Georgia, which I consider a decent and thoughtful retirement," the congressman said.

Leach said his criticism also applies to Congress, where a number of the departing members have been intensely recruited by influence firms.

One of them, Rep. Marty Russo (D-Ill.), agreed to join the lobbying firm of Cassidy & Associates, which promptly issued a news release trumpeting his former standing on the powerful House Ways and Means Committee, where all tax legislation originates. More important perhaps is that Russo is a golfing buddy of Rep. Dan Rostenkowski (D-Ill.), the Ways and Means Chairman, and shares a house in Washington with three other legislators, including Rep. Leon Panetta (D-Calif.), chairman of the House Budget Committee.

The critics also are concerned about the lengths to which many special interests will go to try to overwhelm officials who disagree with them.

The drug industry, for example, has repeated blocked efforts by Sen. David Pryor (D-Ark.) to impose cost controls or trim its special tax breaks.

But the incident that upset Pryor the most happened in 1990, when he suggested that the Medicaid program could save $300 million a year by adopting the same discount drug-buying strategies used at a number of hospitals and national health maintenance organizations.

Pryor wanted Medicaid programs in each state to pick one drug out of each class of similar medicines and require physicians to prescribe it whenever possible. But to make sure that no one's health suffered, the doctors still would have been free to substitute any other drug by simply scrawling "medically necessary" on the prescription.

Besides pulling together a coalition of medical groups to oppose the plan, the drug lobby hired Vernon Jordan, the civil rights leader who is now chairman of Clinton's transition team, to help recruit black and Hispanic groups will to denounce the idea.

Jordan, who also is a lawyer-lobbyist, sent a letter telling minority groups that Pryor's bill "may result in inadequate treatment" for minorities. Jordan also maintained that "while the prescribing physician is given discretion to overrule these restrictions, the process will be both cumbersome and time-consuming."

The leaders of one black organization then sent out their own letters claiming that Pryor's plan represented the kind of approach used whenever "mean-sprited bigots want to strike at the black underclass."

Pryor said he thought the racial thrust of that lobbying campaign was "one of the cheaper shots I've seen." A spokesman for Pharmaceutical Manufacturers Association denied that his group was "exploiting any racial aspect" of the issue; Jordan did not return repeated calls for comment.

But the lobbying created enough controversy among Pryor's colleagues in Congress to force him to drop the proposal and substitute something else. It also convinced Pryor, who is close to Clinton as well, that the president-elect must reform the influence system.

Some lobbyists also recognize this. Many enter the business with enthusiasm, then burn out and quit in disgust.

"I think the whole system should be stood on its head right now," said Stephen Gabbert, who was the top lobbyist for the nation's rice millers for 17 years before shifting to business consulting. "It's the way, the mindset, the attitude of the hidden government that has operated for a period of time.

"And we've reached the point where it's unable to deliver to the needs of the country, he said. "So all of these people who have been sucking their livelihoods off it, there's going to have to be some changes made."

[From Newsday, Mar. 8, 1993]

STIRRING UP THE GRASS ROOTS FOR INDUSTRY

(By Martin Kasindorf)

When President Bill Clinton warned that "the special interests will be out in force" to warp his economic package, his plea for grassroots loyalty was instantly countered by Jack Bonner's full-page ad courting the business lobbyists who read Congressional Quarterly.

"Do you have a tough tax battle ahead?" Bonner & Associates asked. If so, the Washington-based consulting "boutique" said, it could supply "quality grassroots support to help you win."

Bonner got a dozen inquiries for his rent-a-firestorm service, signing up several energy-industry clients paying him to drum up grassroots opposition to Clinton's energy tax in Congress—in the form of mail, phone calls and visits from home—district influentials.

"Our time has come," chortled Bonner, who likes to argue that "some guy in a pinstripe suit telling a senator this bill is going to hurt Pennsylvania doesn't have the impact of someone in Pennsylvania saying it."

Critics have compared the grassroots content of money-nurtured "spontaneous" popular uprisings to Astroturf. But Bonner has demonstrated since 1984 that industry can match presidents, labor unions, environmentalists and Ralph Nader in whipping up voter pressure on Congress.

Representing Detroit automakers, it was Bonner, a 44-year-old former Senate aide, who organized high-profile complaints from the disabled and the Boy Scouts that higher gas-mileage standards would do away with "safe" big cars. "Call off the dogs," one member of Congress pleaded.

The 1990 clean-air amendment was killed.

Bonner scored a splashy coup in 1991 when 200 temporary workers in what he calls his "yuppie sweatshop" helped bankers kill in the House the populist amendment rammed through the Senate by Sen. Alfonse D'Amato (R-N.Y.) that would have forced banks to lower credit-card interest rates.

The Bonner brigade made 10,000 phone calls in four days, persuading constituents of House Banking Committee members to protest that banks would cancel "millions of credit cards" if rates were lowered.

The Chicago Tribune's resulting name for operations like Bonner's: "Fog merchants." Whatever it's called, Bonner's specialty can be lucrative. His fees, based on the number of proven contacts he generates with public officials, have topped $400,000.

"There's no gee-whiz to it," said Bonner. "It's just old-fashioned, roll-up-your-sleeves political work. But it works."

Groups that often oppose business interests in Washington sneer at Bonner's method. "That is damaging," said Nancy Waitzman, a policy analyst for Ralph Nader's Public Citizen, "because it's the moneyed interests that really are fomenting this; it's not genuine citizen involvement."

It's unimportant, Bonner asserts, that the public reaction isn't as spontaneous as in, say, the Zoe Baird flap. "The issue is whether people understand the issue or not," he said. "Is it spontaneous when the Sierra Club does a mailing? It's wonderful that industry as well as the environmental movement takes its message to the people outside the Beltway."

[From the Los Angeles Times, Mar. 16, 1993]

PHONE FRENZY IN THE CAPITOL—SPECIAL INTEREST GROUPS ARE USING SOPHISTICATED ELECTRONIC NETWORKS TO GENERATE AN ASTONISHING VOLUME OF CALLS TO CONGRESS.

(By Paul Houston)

Almost without letup, the phone calls pour into Ilisa Halpern's headset as she sits in the office of Sen. Dianne Feinstein (D-Calif.), typing the caller's name, address and comments onto a computer screen.

From a Sonoma woman upset about President Clinton's economic plan: "Very definitely not support it. President is pathological liar. Can't fool all of the people. Tired of listening to all of the rhetoric. Feinstein also a radical."

From a Los Angeles man with mixed feelings about Clinton initiatives: "Encourage you to pass the plan. Don't get carried away with weakening defense. Health care is important but don't lessen the consumer's choice of M.D.'s."

After each call, Halpern sends the message to the computer's memory bank. At the end of the day, the messages—as many as 1,000, which are recorded by up to 10 of Feinstein's 60 aides—are automatically sorted by issue, printed out and placed on the senator's desk.

Accompanying the phone calls are a flood of letters, postcards and Mailgrams. In a recent week, Feinstein received 9,000 letters

and 50,000 postcards and Mailgrams—far more than her predecessor, John Seymour, ever got in a week.

The outpouring is being duplicated all over Capitol Hill. Senate and House offices are being hit with twice as many calls this year as last—4.2 million vs. 1.9 million in the first month alone, officials say. And mail to lawmakers has soared past 400 million pieces a year.

The surge is fed by several forces, including radio and television talk shows and a general upswing in citizen interest in government, stimulated in the 1992 presidential election by the direct-voter-participation efforts of candidates Bill Clinton, Jerry Brown and Ross Perot.

But the principal cause, one that concerns many scholars and lawmakers because of its potential for manipulation, is the "grassroots" lobbying done by special interests. In contrast with the not-so-distant past, when members of Congress identified hot issues from a handful of constituent letters, numerous interest groups have built sophisticated electronic networks that can generate an astonishing volume of calls and letters from folks in the hinterlands.

Some of the most technologically slick grass roots organizing is being mounted by groups ranging from the National Rifle Assn. to the National Abortion Rights Action League.

The U.S. Chamber of Commerce, for instance, is about to begin a phone bank that will call the chamber's 215,000 members about issues of interest to the organization. Those answering the phone will be able to press 1 to have a Mailgram or letter sent in their name to their representative, press 2 to record a voice-mail message for the lawmakers or press 3 to have a computer connect them immediately with the lawmaker's office.

Last week, the Phillip Morris tobacco company got smokers to flood the offices of members of the House Ways and Means Committee with phone calls protesting President Clinton's proposal for a huge increase in cigarette taxes. Incensed aides to several committee members retaliated by sending dozens of "junk" documents to Phillip Morris' Washington fax machine.

Many special-interest groups hire private businesses to carry out the direct-mail and phone-bank aspects of their grass-roots lobbying. One of the most successful is Jack Bonner and Associates, a Washington-based firm that assists only corporate interests.

Millions of cards and letters generated by the Bonner firm helped keep Northrop Corp.'s B-2 Stealth bomber alive, helped auto makers fight off tougher fuel-economy standards and helped banks defeat a forced reduction in credit-card interest rates.

The Stealth campaign in 1991 and 1992 involved getting 5,000 groups—including farm, senior citizens, minority, even religious groups—in more than 100 congressional districts to write their representatives, supporting the radar-evading bomber.

It was a tough sell—the Cold War was ending and the $800-million per copy bomber was under heavy fire as wasteful. But Bonner's phone bank operators won over the groups' leaders by arguing that the plane would save lives; they noted that the stealthy F-117 fighter built by Lockheed Corp. in Burbank had flown 3,200 missions in the Persian Gulf War without a loss.

In turn, the groups' letters to Congress sounded precisely that theme, helping keep Los Angeles-area production lines going on a projected 20 planes.

"We chose groups in the congressional districts that we thought lawmakers would be most politically responsive to," says Bonner, a former aide to the late Sen. John Heinz (R-Pa.).

His firm also alerted lawmakers that the campaign was coming, so that they would be ready to respond to the outpouring.

"We never try to fool the Hill," he says.

Bonner employs about 200 phone bank operators who have worked in government or in campaigns are accustomed to discussing issues. When they call citizens seeking to generate phone calls and letters to legislators, they make clear what client they are representing, Bonner says.

Now, he says, his business is booming because defense, insurance, drug and other firms feel threatened by President Clinton's proposed tax increases, spending cuts and health care reforms. These interests hope that orchestrated groundswells from the grass roots will help bend lawmakers to their causes.

"Corporate America has seen more and more that grass roots works," Bonner says.

Which is why the U.S. Chamber of Commerce is setting up one of the most elaborate phone banks of all. The chamber hopes to form a huge base of activist members—grouped by business type and location—who will agree to be contacted by a computer-driven phone bank when a hot issue arises in Congress.

Chamber members will be mailed materials in advance that will background them on such issues as health reform. Then when a key vote looms, a computer will start dialing their numbers and a recorded message will give them the choices of sending a letter or voice-mail message, or being immediately plugged into their congressional representative's office.

Later, the computer will print out the member's choice so that chamber officials can gauge the size of their efforts and the cooperation of members.

"We think we are really making a quantum leap here," says Don Kroes, who runs the chamber's grass-roots activities.

The NRA, the powerful gun owners' lobby, has made extensive use of a 900 number to enable its 3 million members and allies in 10,000 affiliated clubs to send an NRA-drafted letter to their representative or to be patched directly into the lawmaker's office. The technique helped block congressional enactment of a waiting period for gun purchases and a ban on the sale of semiautomatic "assault weapons."

"Constituents' personal visits are the most effective on an issue, but after that it's phone calls and letters," says James Baker, the NRA's chief lobbyist. "Postcards and petitions are the least effective."

The success of such campaigns has not escaped the notice of the media-savvy Clinton Administration. Although the White House has decried the influence of special interests, it doesn't shun their techniques.

The Democratic National Committee, in an unprecedented move, is helping to sell Clinton's economic plan through phone-bank and direct-mail contacts with more than 1 million party activists. They are being urged to call lawmakers and talk shows, make speeches and write letters to newspaper editors.

Though many grass-roots efforts succeed, some fail miserably. Last year, cable TV owners, in ads and bill stuffers, got thousands of customers to protest a bill in Congress that the owners claimed would force cable rates up, not down as intended. Despite the torrent of calls and cards, Congress enacted the bill over the veto of then-President George Bush.

"We generated calls like mad. But the calls didn't generate that many votes," a cable lobbyist says ruefully.

While Washington phone lines have been heating up over the last decade because of such campaigns, they began to sizzle over the last year with outpourings of genuine citizen expression.

As Zoe Baird's nomination for attorney general cruised toward Senate approval in late January, for example, Capitol offices suddenly were deluged with calls assailing her employment of two illegal aliens as domestic help. Senators swiftly abandoned their support of the corporate lawyer, and her nomination was withdrawn.

That stunning demonstration of grass-roots power was a potent catalyst, encouraging many citizens and groups to speak out as Clinton made controversial moves on gays in the military, spending, taxes and health care.

At the same time, the continuing proliferation of talk show hosts—especially the rabble-rousing variety—is helping to stimulate the cascade of calls and letters.

For example, on a daily talkfest, Herb Nero of KUTY in Palmdale constantly urges his 45,000 listeners to get in touch with their elected representatives. When he brings a member of Congress on the show, the phones ring off the hook, he says—and so do the phones in the lawmaker's office.

Many lawmakers and scholars applaud the rising decibels of vox populi, saying it's just what the architects of democracy ordered.

"Participatory democracy can produce an informed constituency, which is our best ally. An uninformed constituency is our worst enemy," says Rep. Mike Synar (D-Okla.), chairman of a group of liberal House Democrats.

"It's clearly healthy for representative democracy," agrees Tony Blankley, an aide to conservative Rep. Newt Gingrich (R-Ga.), the House minority whip.

But others fear that the rising tide of citizen voices is so fraught with manipulation that the decision-making process is in danger of being twisted, especially if most of the expressions on an issue conflict with true public opinion.

For instance, many lawmakers report that, while calls to their offices are running heavily against Clinton's economic proposals, sentiment on the streets back home matches the strong support in national polls.

"Politicians are hypersensitive to public preferences, and artificial stimulation of responses by interest groups simply intensifies the problem," says Thomas E. Mann, a political scientist with the Brookings Institution. "It is one thing to vote after thoughtful deliberation. It is another to act on the basis of constituents' spleens."

Synar contends that "any politician worth his salt does not weigh his mail or count the number of phone calls in making a responsible decision." But Rep. David R. Obey (D-Wis.) fears that far too many colleagues do just that.

"This is a corruption of participatory democracy," he grumps, referring to the efforts of interest groups to whip up calls and letters to lawmakers. "It means that those who are well-organized with special axes to grind will have an advantage over persons genuinely interested in the issues."

Obey recalls that, when he entered Congress 24 years ago, "most of the mail was from people's gut—simple letters they

scratched out when something was bugging them. Now, the overwhelming majority of mail is ginned up by some Washington interest group trying to keep themselves in business by scaring the hell out of people—frothing them up to write or call their congressman."

He concludes: "We have to elect people tough enough to discount the baloney."

There are signs that hyped popular uprisings are beginning to backfire as lawmakers and their aides learn to distinguish scripted voices from truly spontaneous ones. For example, while Feinstein answers most letters, she ignores a closetful of printed postcards that have been sent in by members of anti-abortion and other groups.

But aides have a tougher time determining whether phone calls are organized or spontaneous.

Feinstein's aides merely take down comments from callers without asking questions. But Sen. Bill Bradley's office cross-examines many callers, attempting "to have people tell us why they feel a certain way," says Anita Dunn, an aide to the New Jersey Democrat. "That gives us clues about what they are thinking."

Interest groups assert that their grass-roots efforts are a healthy means of getting people in touch with their government. Some groups argue that the calls and letters they generate add important balance to debates.

For years, says Kate Michelman, president of the National Abortion Rights Action League, anti-abortion priests and preachers have passed out fliers in church pews, spurring floods of parishioner mail to government officials. Not until recently, she says, did her abortion rights group assemble a huge, computer-assisted network of activists that can spawn rivers of countervailing mail and calls.

In 1991, NARAL phone banks helped launch barrages of calls against the Supreme Court nomination of Clarence Thomas, a federal judge accused by law professor Anita Faye Hill of sexual harassment. More than 100,000 messages swamped Senate offices during hearings on the charges.

"Senators begged us to call off the troops," Michelman says. Thomas was confirmed by only a two-vote margin—and the uproar helped elect record numbers of women to office in 1992.

But the lobbying groups' phone-jamming activity can be a double-edged sword. A lobbyist groaned recently that it took him three hours to get through the barrier of citizen calls to make an appointment with Sen. Bradley.

[From the Dallas Morning News, Mar. 18, 1993]

SPECIAL-INTEREST LOBBYING INCREASES MAIL TO CONGRESS

(By Paul Houston)

Almost without letup, the phone calls pour into Ilisa Halpern's headset as she sits in the office of Sen. Dianne Feinstein, D-Calif., typing the caller's name, address and comments onto a computer screen.

From a Sonoma, Calif., woman upset about President Clinton's economic plan: "Very definitely not support it. President is pathological liar. Can't fool all of the people. Tired of listening to all of the rhetoric. Feinstein also a radical."

From a Los Angeles man with mixed feelings about Clinton initiatives: "Encourage you to pass the plan. Don't get carried away with weakening defense. Health care is important but don't lessen the consumer's choice of MDs."

After each call, Ms. Halpern sends the message to the computer's memory bank. At the end of the day, the messages—as many as 1,000, which are recorded by up to 10 of Ms. Feinstein's 60 aides—are automatically sorted by issue, printed out and placed on the senator's desk.

Accompanying the phone calls are a flood of letters, postcards and mailgrams. In a recent week, Ms. Feinstein received 9,000 letters and 50,000 postcards and mailgrams—far more than her predecessor, John Seymour, ever got in a week.

The outpouring is being duplicated all over Capitol Hill. Senate and House offices are being hit with twice as many calls this year as last—4.2 million vs. 1.9 million in the first month alone, officials say. And mail to lawmakers has soared past 400 million pieces a year.

The surge is fed by several forces, including radio and television talk shows and a general upswing in public interest in government, stimulated in the 1992 presidential election by the direct-voter-participation efforts of President Clinton and candidates Jerry Brown and Ross Perot.

But the principal cause, on that concerns many scholars and lawmakers because of its potential for manipulation, is the lobbying done by special interests. In contrast with the not-so-distant past, when members of Congress identified hot issues from a handful of constituent letters, numerous interest groups have built sophisticated electronic networks that can generate an astonishing volume of calls and letters from folks in the hinterlands.

Some of the most technologically slick organizing is being mounted by groups ranging from the National Rifle Association to the National Abortion Rights Action League.

The U.S. Chamber of Commerce, for instance, is about to begin a phone bank that will call the chamber's 215,000 members about issues of interest to the organization. Those answering the phone will be able to press 1 to have a mailgram or letter sent in their name to their representative, press 2 to record a voicemail message for the lawmaker or press 3 to have a computer connect them immediately with the lawmaker's office.

Last week, the Phillip Morris tobacco company got smokers to flood the offices of members of the House Ways and Means Committee with phone calls protesting Mr. Clinton's proposal for a huge increase in cigarette taxes. Incensed aides to several committee members retaliated by sending dozens of junk documents to Phillip Morris' Washington fax machine.

Many special-interest groups hire private businesses to carry out the direct-mail and phone-bank aspects of their grass-roots lobbying.

One of the most successful is Jack Bonner and Associates, a Washington-based firm that assists only corporate interests.

Millions of cards and letters generated by the Bonner firm helped keep Northrop Corp's B-1 Stealth bomber alive, helped automakers fight off tougher fuel-economy standards and helped banks defeat a forced reduction in credit-card interest rates.

The Stealth campaign in 1991 and 1992 involved getting 5,000 groups—including farm, senior citizens, minority, even religious groups—in more than 100 congressional districts to write their representatives, supporting the radar-evading bomber.

It was a tough sell—the Cold War was ending and the $800 million-per-copy bomber was under heavy fire as wasteful. But Mr. Bonner's phone bank operators won over the groups' leaders by arguing that the plane would save lives; they noted that the stealthy F-117 fighter built by Lockheed Corp. in Burbank, Calif., had flown 3,200 missions in the Persian Gulf war without a loss.

In turn, the groups' letters to Congress sounded precisely that theme, helping keep production lines going on a projected 20 planes.

"We chose groups in the congressional districts that we thought lawmakers would be most politically responsive to," says Mr. Bonner, a former aide to the last Sen. John Heinz, R-Pa.

His firm also alerted lawmakers that the campaign was coming so that they would be ready to respond to the outpouring.

"We never try to fool the Hill," he says.

Mr. Bonner employs about 200 phone bank operators who have worked in government or in campaigns and are accustomed to discussing issues.

When they call people seeking to generate phone calls and letters to legislators, they make clear what client they are representing, Mr. Bonner says.

Now, he says, his business is booming because defense, insurance, drug and other companies feel threatened by Mr. Clinton's proposed tax increases, spending cuts and health-care reforms. These interests hope that orchestrated groundswells will help bend lawmakers to their causes.

"Corporate America has seen more and more that grass-roots works," Mr. Bonner says.

Many lawmakers and scholars applaud the rising decibels of vox populi, saying it's just what the architects of democracy ordered.

"Paticipatory democracy can produce an informed constituency, which is our best ally. An uninformed constituency is our worst enemy," says Rep. Mike Synar, D-Okla., chairman of a group of liberal House Democrats.

"It's clearly healthy for representative democracy," agrees Tony Blankely, an aide to conservative Rep. Newt Gingrich, R-Ga., the House minority whip.

But others fear that the rising tide of citizen voices is so fraught with manipulation that the decision-making process is in danger of being twisted, especially if most of the expressions on an issue conflict with true public opinion.

For instance, many lawmakers report that, although calls to their offices are running heavily against Mr. Clinton's economic proposals, sentiment on the streets back home matches the strong support in national polls.

"Politicians are hypersensitive to public preferences, and artificial stimulation of responses by interest groups simply intensifies the problem," says Thomas E. Mann, a political scientist with the Brookings Institution. "It is one thing to vote after thoughtful deliberation. It is another to act on the basis of constituents' spleens."

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"This is a corruption of participatory democracy," he says, referring to the efforts of interest groups to whip up calls and letters to lawmakers. "It means that those who are well-organized with special axes to grind will have an advantage over persons genuinely interested in the issues." Mr. Obey recalls that when he entered Congress 24 years ago, "most of the mail was from people's gut—simple letters they scratched out when

something was bugging them. Now, the overwhelming major of mail is ginned up by some Washington interest group trying to keep themselves in business by scaring the hell out of people—frothing them up to write or call their congressman."

He concludes: "We have to elect people tough enough to discount the baloney."

[From the Atlanta Journal and Constitution, Mar. 17, 1993]

HIGH-TECH LOBBYING TAKES OFF SLICK NETWORKS TAP PUBLIC OUTRAGE

WASHINGTON.—From a distance, it looks like the boiler room of any telephone sales company, with fresh-faced young men and women in narrow cubicles reading intently from typed scripts.

But these operators are not pitching Veg-O-Matics or life insurance. Here at Bonner Associates, they prospect by phone for that most elusive of Washington commodities: outbursts of public outrage.

It is a business ideally suited to the age of electronic vox pop, when radio talk show hosts can stir up a populist frenzy that brings down a prospective attorney general.

On behalf of its clients, generally trade associations and corporations, the company, one of a new breed of Washington lobbying concerns, specializes in stirring up the sort of hometown pressure that state and federal legislators are loath to resist.

Unlike old-fashioned letter-writing campaigns, which rained easily identifiable form letters on lawmakers, the new campaigns are sometimes indeed to appear spontaneous. Jack Bonner, who founded Bonner & Associates in 1984, says he always lets his targets know of his activities. But the rise of this industry has made it hard to tell the difference between manufactured public opinion and genuine explosion of popular sentiment.

As they put it in the lobbying industry: Is it grass roots or Astroturf? Bonner Associates specializes in marshaling local interests groups and can, on a few days' notice, rain cloudbursts of faxes, phone calls and letters on Congress or the White House. Some competitors rely more on a retail approach. They phone potentially irate citizens, deliver detailed briefings, and then transfer the newly aggravated callers directly to the office of the relevant senator or representative.

"The golden age of grass roots has arrived," Mr. Bonner said. He has mobilized public opinion against limits on credit card interest rates when he was working for the banks, against tougher fuel-efficiency standards when he was on the side of the hired automakers, and against triple-trailer trucks when he was hired by a railroad.

Mr. Bonner reports a surge in potential clients in the last two to three months. "In the past," he said, "a lot of businesses wouldn't go to the grass roots because they thought they could contain their problems in D.C., either by lobbying or by George Bush vetoing anti-business legislation. Well, that veto isn't there anymore."

Through the early 1980s, environmental groups and others on the fringes of the Washington establishment relied on letters, petitions and other manpower-intensive methods to counter the power and connections of big corporations.

But by the end of the decade, specialists such as Mr. Bonner, as well as several Washington political consultants and lobbyists, had begun to co-opt the strategy, a trend that gathered more momentum when Ross Perot and Bill Clinton tapped into the electronic babble of dissent that is talk radio and television.

[From the Plain Dealer, Apr. 11, 1993]

THE CULTIVATION OF GRASS ROOTS

(By Peter H. Stone)

When President Bill Clinton unveiled an energy tax proposal in his speech to Congress in February, shock waves rolled through the offices of Washington's energy lobbyists. But the announcement didn't surprise Jack Bonner, owner of Bonner & Associates, a Washington firm that specializes in orchestrating telephone and mail lobbying blitzes from the hinterlands to Capitol Hill.

Several days before Clinton's speech, Bonner had been contacted by a new group, the Energy Tax Policy Alliance, that was gearing up to fight such taxes. The alliance is raising money to hire Bonner & Associates for a grass-roots campaign: It has already secured about $50,000 in commitments, primarily from utilities.

Meanwhile, Bonner has made sales pitches to several other energy trade groups and utilities, some of which have expressed interest in joining a lobbying drive against the tax.

Though the effort is still taking shape, Bonner thinks it's likely that he'll get the go-ahead. An energy tax is a "perfect (issue) for grass roots because it hits so many people unfairly," he said. Bonner is already showing prospective clients a sample telephone script that he proposes to use in stirring public opposition to the tax. "Tax the rich, tax foreign companies, but don't tax those who can least afford it,' the script says.

It's hardly surprising that energy companies are turning to Bonner for help. In recent years he and other grass-roots specialists have won kudos from an array of corporate and trade association clients for rapidly turning up grass-roots pressure on Congress.

The Washington lobbying landscape is dotted with big and small firms promising to deliver the support that will make a critical difference in federal, state and local lobbying fights. For hefty fees, sometimes running more than $1 million per project, these firms use phone banks to drum up constituent support in key congressional districts or find a small group of community leaders who can put the arm on a member of Congress.

For their clients, these grass-roots consultants are often the last line of defense, called in when other lobbying, advertising and public relations efforts have been exhausted.

The success of boutiques such as Bonner & Associates has prompted bigger firms to expand into the field. Last December, for example, the public relations giant Burson-Marsteller announced that it was setting up a Washington-based division, the Advocacy Communications Team, to handle grass-roots work.

The industry's growth is being fueled by changes in the political world. Grass-roots firms say their business has received a fillip from the rising influence of talk radio and from the volunteer network put together by Ross Perot. Growing criticism of K Street lobbyists—including attacks by the president—is forcing companies and trade groups to look for ways to exert pressure from outside the Beltway. And grass-roots practitioners say that the unusually large number of congressional freshmen, who tend to be more susceptible to home-state pressure, present a special opportunity.

What's more, Clinton has demonstrated consummate skill as a grass-roots lobbyist and has targeted some industries that may well turn to grass-roots firms for help. The tobacco and pharmaceutical industries, for instance, are developing multipronged public relations, advertising and lobbying campaigns to fight new taxes on cigarettes and controls on drug prices.

As the grass-roots business has expanded, it has also become more sophisticated. A few years ago, for instance, the industry started pitching "grass tops" lobbying.

Rather than generating letters and phone calls from ordinary Joe Sixpacks, they promise to round up local business and civic leaders who have clout with members of Congress. The Washington-based RTC Group Inc., a major grass-roots firm, boasts that it has databases enabling it to pinpoint such leaders in every congressional district, "based on a variety of demographic and psychographic characteristics."

Lobbyists say that grass-roots campaigns must constantly change, lest they appear manufactured and lose their clout. "This is a business where you've got to be selling this year's refinement and improved version," said James E. McAvoy, who runs Burson-Marsteller's grass-roots unit. "If you keep doing the same thing over and over again, they see the pattern and it's not good."

But some members of Congress say the patterns are easy to discern. "You can tell after three letters or three phone calls," Rep. Mike Synar D-Okla., said. "We're moved more by individual letters than by orchestrated campaigns. . . . It just doesn't work. They're under this delusion that we weigh our mail and phone calls.

The sheer volume of congressional mail, which is more than 300 million pieces per year—double what it was 10 years ago—has forced aides to look more critically at what they receive. Many have become expert at detecting what Treasury Secretary Lloyd Bentsen likes to describe as the difference between grass roots and AstroTurf.

"There's nothing new about grass roots," said Bonner, a former aide to the late Sen. John Heinz, R-Pa. "It's what started this country 200 years ago. What's new is that people are going back to it."

The technique may go back that far, but it has come a long way. Bonner's firm, dubbed a "yuppie sweatshop" by Newsweek magazine, between old-fashioned letter writing and the latest high-tech industry wizardry used in political campaigns.

When Bonner opened his shop in 1984, his forte was generating large mailings to Congress. But his expertise has broadened considerably since then; he now offers a wide menu of services.

Bonner says he eschews retainers and charges only by results; the firm carefully logs the numbers of calls and letters it generates and bills clients accordingly. One of Bonner's specialties is finding what he calls "community leaders"—people who speak on behalf of a group and who may know a Congress member personally. Bonner charges $350–$500 for each letter or call generated by a community leader. He also offers to set up meetings between community leaders and members for fees ranging from $5,000 to $9,000.

The hot house where Bonner cultivates his grass roots is a downtown Washington office dominated by a computerized telecommunications operation. The equipment enables his staff to make telephone calls to targeted congressional districts and patch constituents through directly to their member's office.

Bonner says that his biggest sales tool is his success rate with major corporations and trade groups. His office walls are studded with framed letters testifying to his efforts

for the American Bankers Association, the Pharmaceutical Manufacturers Association, the Smokeless Tobacco Council, U.S. Tobacco Co. and others.

"Nothing succeeds like success in this town," he bragged. "People don't come to us with easy issues." Bonner's grass-roots work now is divided almost evenly between efforts aimed at Congress and at state governments. The latter have become fertile ground because of the more activist roles that state legislatures have played on such issues as health care.

One of Bonner's biggest successes in recent years was his battle for the ABA against lowering interest rates on credit cards. In late 1991, after the Senate passed an amendment that would have forced banks to lower their rates, the ABA hired Bonner to develop a popular revolt against the measure—or at least the appearance of one.

During a four-day period, he generated about 10,000 calls from voters, including community leaders, in 10 districts represented by members of the House Banking, Finance and Urban Affairs Committee. The amendment died in a House-Senate conference committee, and the ABA paid Bonner an estimated $400,000.

Some recent endeavors have not been so successful. Bonner was retained by McDonald's Corp. in 1988 to fight a ban on polystyrene food packaging in Suffolk County, N.Y., which the fast-food chain saw as a testing ground for its efforts to block similar laws elsewhere. According to some former Bonner executives, the firm had a tough time finding community leaders to go to bat for McDonald's. After a two-year drive costing roughly $800,000—about half of which went to Bonner—McDonald's abruptly switched its position and agreed to use paper packaging.

The Bonner staff had carefully cultivated a network of local supporters for McDonald's, and some former Bonner executives said with egg on their faces. "We spent a lot of time couching an issue a certain way and then the client said maybe we were wrong," an executive recalled. "The process lost credibility. These community leaders were led down a path and then we had to leave them because the client had changed their mind."

Sometimes, the Bonner firm has to dig in its own yard for grass roots. A former employee recalled that the firm had tried in vain to locate people in an affluent St. Louis suburb who would support the Smokeless Tobacco Council on an excise tax issue. The employee, a St. Louis native, called his sister, who was editor of her high school newspaper, and his mother, who taught at a local junior college: They were soon listed as "community leaders" opposing the tax.

Training people to be grass-roots advocates isn't easy. The Bonner firm often provides "talking points" to constituents to help them write letters. But that can backfire if the letter writer doesn't fully understand the issue. A former Bonner executive recalled that sometimes "Senators would call people and we'd patch through a call and our people wouldn't hold up well."

For all their high-tech wizardry, grass-roots lobbying firms still have a big problem: Many lawmakers say they don't buy what the firms are selling.

"When some of these grass-roots campaigns got started, they were reasonably effective because they were new," said Rep. Henry A. Waxman, D-Calif. "I think the effectiveness has worn off. Members and their staffs get their letters and know they're ginned up."

Even the more-sophisticated "grass-tops" techniques are relatively easy to detect, Synar added. "I don't think they can get around the problem of (obvious) orchestration," he said. "Everything still comes within a 10-day period."

Bonner bristles at such criticisms and says he makes no effort to hide his role in grass-roots campaigns. He says that his staff always tell constituents what client the firm is representing. And he says he recommends that clients inform congressional offices that they're using his firm to drum up pressure. "The difference between grass roots and Astroturf is whether the person knows what he's talking about and has a legitimate reason to be involved," Bonner said.

Bonner argues that critics have two sets of standards—one for public-interest groups and another for business. "Have we come to a point in our democracy where it's legitimate for environmentalists to take their message to the people but not for industry to do the same?" he asked.

But some observers say there's an important difference between the two types of lobbying. Fred Wertheimer, the president of Common Cause, notes that business, which already has plenty of financial clout, could gain an unfair advantage with the new grass-roots technologies in shaping public policy and legislation. "If you combine the institutions with unlimited resources with those that have new technologies, it could give new meaning to the phrase 'reach out and touch someone.'"

[From the San Diego Union-Tribune, Nov. 1, 1993]

MANUFACTURING OPINION PUBLIC RELATIONS AGENCIES CALL THE TUNE

(By John Jacobs)

In his book, "Who Will Tell the People: The Betrayal of American Democracy," Washington author William Greider describes how most people are cut out of government decisions that affect their lives.

He describes the "democracy for hire" business, in which public relations and lobbying firms, think tanks, polling organizations and direct-mail groups manufacture and organize expert and even "grass roots" opinion for decision-makers. In his opening chapter, called "Mock Democracy," Greider writes of these organizations:

"Most are financed by corporate interests and wealthy benefactors. The work of lobbyists and lawyers involves delivering the material to the appropriate legislators and administrators. Only those who have accumulated lots of money are free to play in this version of democracy. Only those with a strong, immediate financial stake in the political outcomes can afford to invest this kind of money in manipulating the government decisions."

Greider describes the case of Jack Bonner, a young public relations consultant in Washington with his own "boiler room" operation that has 300 phone lines, a sophisticated computer system and eager young adults calling around the country to identify what Greider calls "white hat" groups and then persuade them to adopt corporate-friendly advocacy positions.

Bonner manufactures public opinion for big corporations for large fees. In the 1990 debate over clean-air legislation, for example, Bonner identified six states where senators were wavering. He then got various groups, such as the Easter Seal Society of South Dakota, the 1.2-million-member Georgia Baptist Convention, and the Delaware paralyzed Veterans Association, to lobby their respective senators to vote against regulations that would toughen auto emission standards.

"These citizen organizations," Greider writes, "were persuaded to take a stand by Bonner & Associates, which informed them, consistent with the auto industry's political propaganda, that tougher fuel standards would make it impossible to manufacture any vehicles larger than a Ford Escort or a Honda Civic."

A more grotesque example of manufacturing opinion happened during the weeks leading up to the Persian Gulf War, when a young Kuwaiti girl testified to Congress that barbaric Iraqi soldiers yanked hundreds of Kuwaiti babies off incubators, leaving them to die on hospital floors. The sensational testimony galvanized American opinion against Iraq, and seven senators cited it as a factor in their vote to go to war.

It later came out that the girl's testimony was organized by the Washington public relations firm of Hill and Knowlton, which represented the Kuwaiti government-financed Citizens for a Free Kuwait; that the girl was in fact the daughter of the Kuwaiti ambassador to the United States, and that the alleged atrocities probably did not happen.

There is nothing illegal about such practices; American government is organized around the clash of competing interest groups. That competition, however, should at least take place on a level playing field, where the players are known and identified and the opinions legitimate, rather than fabricated or simply purchased.

If anything, the kind of groups Greider was writing about have become even more adept in the past few years. And nowhere is this more evident than in the corporate-sponsored opposition to President Clinton's health reform proposals.

The Health Insurance Association of America, which opposes the reforms, has already prepared its battle plan or campaign action kit. It includes organizing "SWAT" teams to show up and oppose the reforms at open meetings that members of Congress conduct with their constituents.

The coalition of insurance groups opposes the health plan because it could limit earnings by capping health insurance premiums. And it isn't stopping with SWAT teams. As part of its multimillion-dollar campaign against the reforms, the trade group is also sponsoring 30-second TV ads, complete with a fictional couple, Harry and Louise, describing over the breakfast table what's wrong with Clinton's plan.

It's bad enough that TV spots have almost entirely debased elections in this country. Candidates spend most of their time hitting up rich people and corporate/labor political action committees for campaign money to pay for air time, which they then use to oversimplify their own positions or sharply distort those of their opponents.

The idea that this kind of deliberate distortion should now extend to public policy—especially policy as complicated and directly relevant to people's lives as health care—is a little frightening.

Clinton, to be sure, is not without his own resources. No one can saturate the media with a particular message like the president of the United States can.

Even so, the fact that the nation's wealthiest corporate interests are now busier than ever manipulating and manufacturing public opinion reaffirms Greider's original point and raises troubling questions about how ordinary citizens without such resources can be heard.

[From the New York Times, Nov. 1, 1993]

CULTIVATING THE GRASS ROOTS TO REAP LEGISLATIVE BENEFITS

(By Joel Brinkley)

At first glance, the letters looked innocent enough, just a few dozen pieces of mail among the 1,000 or more that most members of Congress receive every week. But as Sean Cavanaugh, a Congressional aide, read through them, it almost seemed as if vipers were slithering out of the envelopes.

Most of the letters were handwritten, some with the trembling script of the elderly, and they cried out with fear and despair: If Congress approved an obscure proposed change in Medicare policy, "then my husband will die."

The aide said he was sickened. After he had read several of the letters, realized that all were the same.

LOBBYISTS AT WORK

"They were just rote language," he said. It was as if someone had advised the writers just what to say. That convinced Mr. Cavanaugh that his boss, Representative Benjamin L. Cardin, was the target of an industry-driven lobbying campaign. And when Mr. Cardin, a Maryland Democrat, had a look, he decided "it was a really nasty, terribly misguided campaign," because the proposed change would actually have little effect on patients.

But the most striking thing about the letters, the Congressman said, was that "I never heard from the people who were really behind them."

His experience is not at all unusual because these days that is how lobbyists work. Gone is the time when back-slapping, cigar-chomping influence peddlers were the main instruments of Washington lobbying:

"The high-profile access merchant has virtually disappeared," said Mark Cowan, who until last month was head of the Jefferson Group, a prominent lobbying firm.

Over the last several years, lobbyists have been turning away from the direct approach in favor of "grass roots" strategies. The goal is to persuade ordinary voters to serve as their advocates, and the letters that arrived in Mr. Cardin's office last summer were one example.

Using the technologies of this electronic age, lobbyists can now quickly reach and recruit thousands of Americans. Many lawmakers say lobbyists have grown so skillful that their tactics have changed the way Congress works.

"Unfortunately it has caused Congress to govern more by fear and an intense desire for simple, easy answers," said Representative Steve Gunderson, Republican of Wisconsin. "Once that grass-roots constituency has been activated, it's impossible ever to explain how proposals might have been changed," or to correct incorrect perceptions. "So we are forced to take complicated issues and simplify them so we can defend our positions."

Not every member thinks it is fair to blame the lobbyists for this. Senator Carl Levin, Democrat of Michigan, calls that "a cop-out."

"Congress has the responsibility to stand up to that," he says. Blaming lobbyists "is an excuse for a lack of political will."

TECHNOLOGY—QUICK SATELLITES, REAMS OF FAXES

No matter who is correct, most everyone agrees that the rudimentary grass-roots campaigns of just a few years ago—fill-in-the-blank post cards, and forms torn out of the newspaper—have grown far more sophisticated and effective.

"The genie is really out of the bottle now," said Richard Viguerie, whose direct-mail campaigns for conservative causes started the grass-roots movement in 1965. "It's out, and it ain't ever going back—no matter how hard Congress tries."

To mobilize their members, many trade groups have installed banks of computerized fax machines that can send faxes automatically around the country overnight, instructing each member to ask his employees, customers or others to write or call their congressmen.

The National Association of Manufacturers started a campaign like that last summer that virtually smothered Congress in letters and phone calls opposing President Clinton's proposed energy tax, and as a result the plan was withdrawn.

Other lobbyists now run carefully targeted television advertisements pitching one side of an argument. That approach was used only rarely before now because of the tremendous cost. But once one industry decides it is willing to spend the money, others find they have little choice.

Many of these advertisements end with a toll-free phone number that viewers can call if they find the pitch convincing. New telemarketing companies answer these calls, and transfer the callers directly to the offices of the appropriate congressmen.

TELEVISION APPEALS

The American Trucking Association's approach has jumped beyond the fax machine. Until now, the truckers have mobilized their members by sending out hundreds of faxes. The problem was, "some of our members were inundated with so many faxes that they didn't always read them," said Sandy Lynch, an association official.

So this month the truckers began using a new satellite network connecting the Washington headquarters to affiliates in every state. Now, with little notice, Thomas Donohue, president of the association, can appear on television monitors in affiliate offices nationwide and rally his members to action.

To be sure, direct lobbying is not extinct. Washington still has its share of lobbyists from the old school. And many lobbyists still effectively lubricate the system with campaign donations, speaking fees, expense-paid trips and other gifts for lawmakers or their aides.

But even some of the old-style lobbyists are being drawn into the grass-roots movement—like it or not. Thomas H. Boggs, Jr. is considered one of Washington's most influential lobbyists. When lawmakers and others talk about lobbyists of the old school, his name comes up first.

He notes that most Washington lobbying involves issues that are small and technical, though lots of money might be involved. For that, Mr. Boggs says, direct lobbying continues to be effective.

"Where these grass-roots campaigns have been used a lot are the big public policy debates," he said. Even then, Mr. Boggs said he still prefers not to use grass-roots strategies "because the costs are really high."

Nonetheless, more and more often now, he finds he has little choice. "In many cases we do it as a defensive measure, " because the other side starts it first.

TACTICS NEBULIZERS: A STRATEGY EVOLVES

Even with the change in strategy, many of the fundamental concerns about lobbyists remain the same. Speaking of his profession, one of the city's senior lobbyists, Jerry Jasinowski of the National Association of Manufacturers, warned of one problem: "Look out for companies or individuals or trade associations that get a small provision into law to serve the interests of a narrow group. That is dangerous."

There could hardly be a more striking illustration than the six-year legislative history of Medicare payment policies for two obscure pieces of medical equipment, nebulizers and aspirators. Together they cost the Federal Government about $120 million last year—much of it wasted, in the Government's view.

This was the equipment the patients were writing about in the letters to Mr. Cardin. And the story behind them also illustrates the evolution of lobbying strategy, from direct lobbying to grass-roots campaigns.

Nebulizers administer medicine in aerosal form, usually through a mask. Aspirators are small pumps that suck out the fluid that accumulates in the lungs of patients on respirators. And for more than 20 years, Medicare offered indefinite reimbursement for patients who rented them. The problem was that many patients used them for years, so the Government ended up spending so much on rent that the devices could have been purchased many times over.

In 1987, Congress tried to solve this by establishing a list of equipment that could be rented for only 12 months, after which it had to be purchased. At the time, Thomas Antone was president of the National Association of Medical Equipment Suppliers, the trade group representing the companies that rent and maintain the equipment.

"Senators and congressmen don't know much about this," Mr. Antone observed. And as he recalled, he and the Congressional aides agreed that the new regulation ought to include an exception for equipment that needed frequent or substantial service. That equipment would continue to be rented.

When the bill went to a Senate-House conference committee, Mr. Antone recalls, some conferees decided they wanted the bill's language to include a couple of specific examples of equipment that might require frequent service. And when the bill left the committee, the conferees had cited nebulizers and aspirators.

Mr. Antone says he does not know how that happened. But Charles Spalding, chief of the Medical Services Payments branch at the Health Care Finance Administration, said, "The industry proposed it."

Since that time, however, the Government has learned that the devices generally need little if any significant service. And yet, Mr. Spalding said, "some folks with chronic conditions have to pay $30 or $40 a month more or less indefinitely" in copayments to rent a nebulizer or aspirator, even through "a common purchase price for one is $200 to $250."

Last year the Government spent $120 million reimbursing Medicare patients for the rental of just these two devices. But this summer, Congress set out to remove both of them from the frequent servicing category.

"CONSTANT STREAM" OF FAXES

While the change was still being debated, Deobrah Harnsberger, a lobbyist with the equipment suppliers group, said the industry's position was that aspirators should not be removed from the rental list. Some nebulizers could be moved, she added, while some others should not.

And to make that point, she said, "we are using grass roots as part and parcel of what we are doing. A constant stream of faxes and phone calls is going from here to our members."

In the end, the trade group won a partial victory. Congress left it up to the Health and

Human Resources Department to decide whether nebulizers and aspirators should be rented or purchased—giving the industry another opportunity to make its case.

At the same time, Corine Parver, president of the lobbying group, disavows the letters to Mr. Cardin.

"We don't engage in that kind of lobbying" using patients, she said, suggesting that it was probably the work of an overzealous affiliate of the trade group who took grassroots lobbying to an unethical extreme.

THE CHANGE—"SUPER-LOBBYISTS" ON THE BANDWAGON

Some lobbyists can point to the moment when their profession began taking its new path: March 3, 1986. That's the day Time magazine published a photo on its cover of the lobbyist and former Reagan aide Michael Deaver in the backseat of his limousine talking on the phone. The headline asked: "Who's this man calling?"

Right away the photo sparked new convulsions of concern about high-power "superlobbyists."

"That was the line of demarcation," Mr. Cowan says now.

Unfavorable publicity along with changing social and political attitudes and stricter conflict-of-interest laws began making it more difficult for high-profile lobbyists like Mr. Deaver to be effective. And at about the same time, lobbyists began to notice that labor unions and so-called public interest groups, like Ralph Nader's Public Citizen, were using a different approach.

These groups generally did not have superlobbyists. So when they wanted to influence policy, they used what they called their "grass-roots" networks. This meant getting their members around the country to tell Washington how they felt.

In the mid-1980's, one lobbyist, Jack Bonner, said he and others in his field began to see "that certain groups were doing this very well—unions, environmental groups, consumer groups—while business was doing it rather poorly." Fewer than 5 percent of the Fortune 500 companies were using grassroots lobbying, Mr. Bonner found. So he and others adopted the practice and began trying to improve on it.

The difference was that corporate lobbyists had more money to throw behind the effort. And with the added resources, they were able to take advantage of the latest technology. As their strategies grow ever more elaborate, some of the original grass-roots lobbyists worry that they can no longer keep up.

"These developing technologies—like computerized grass roots—combined with enormous resources, are overwhelming the system," complained Fred Wertheimer, head of Common Cause, one of the first organizations to use modern grass-roots lobbying. "It gives these organizations special advantage. And it's gotten to the point where the Government is no longer capable of dealing with it."

DEFENSE LOBBYISTS' VERSION OF A WHITE KNIGHT

Most lobbyists will quickly acknowledge that their profession still has an unsavory reputation. The public "thinks we are a small group, in Gucci shoes, somehow controlling issues in a way that is at variance with the public interest," Mr. Jasinowki said.

Most lobbyists are not likely to describe themselves as altruistic servants of the public good. But they say the public is unfairly disdainful of them.

"The average person forgets that they have lobbyists too," said Richard H. Kimberly, president of the American League of Lobbyists church. Well, churches lobby. Maybe they are retired. Well, the retired people have a lobby. But instead, when people think of lobbyists they think of organizations like the N.R.A.," the National Rifle Association.

Fair enough, but do any of the corporate and commercial lobbyists that are so often the target of complaint actually perform work they are proud of? Mr. Kimberly said he would try to find a lobbyist who was working on a campaign that the public might admire.

Ten days later, he said he was having a hard time finding anyone willing to step forward. But he did point to Casey Dinges, the lobbyist for the American Society of Civil Engineers.

Mr. Dinges said his organization discovered last fall that the Department of Housing and Urban Development was about to propose a new standard for the construction of mobile homes. After Hurricane Andrew destroyed thousands of trailers in South Florida in August 1992, the Government decided the building standards were inadequate. So Mr. Dinges's organization drafted a detailed new standard and lobbied the Government to adopt it.

"Just because someone lives in a mobile home, why can't they be safe?" Mr. Dinges asked. Besides, he said, when inadequate building standards cause problems, "our members are the ones who have to clean the stuff up."

HUD decided to adopt the engineers' standard; a senior Federal official said the department considered it "rigorous and complete." But as soon as HUD announced its decision, one lobbyist's proud victory became another's desperate battle.

And so the grassroots came into play. The Manufactured Housing Institute, representing mobile home manufacturers, unleashed a furious lobbying campaign to defeat the engineers' proposal. The lobby argued that the engineers' standard would raise trailer prices in some areas by as much as 36 percent. Bruce Savage, spokesman for the group, said: "It may be nice to have a 'safe' home. But if no one is buying the, what's the point?"

When the department asked for public comment on the proposed new standard this summer, the manufacturers "contacted all our members on our grassroots network," Mr. Savage said. HUD was flooded with a thousand letters of complaints.

The department will not make its final ruling until later this autumn, and so the lobbying continues. But for now, the engineers' proposal is still on the table.

PRESIDENTS ON LOBBYISTS: NO LOVE LOST

"There are two methods of curing the mischiefs of faction, one by removing its causes, two by controlling its effects. By a faction, I understand a number of citizens, whether amounting to a majority or a minority of the whole, who are united and actuated by some common impulse of passion, or of interest, adverse to the rights of other citizens, or to the permanent and aggregate interests of the community."—James Madison, in the Federalist Papers of the 1780's.

"The host of contractors, speculators, stockjobbers and lobby members which haunt the halls of Congress, all deserious to get their arm into the public treasury, are sufficient to alarm every friend of his country. Their progress must be stopped."—James Buchanan, writing to Franklin Pierce in 1852, before either man had served as President.

"I think that the public ought to know the extraordinary exertions being made by the lobby in Washington" for a pending tariff bill. Washington is so full of lobbyists that "a brick couldn't be thrown without hitting one. It is of serious interest to the country that the people at large should have no lobby and be voiceless in these matters, while great bodies of astute men seek to create an artificial opinion and to overcome the interests of the public for their private profit. It is thoroughly worth the while of the people of this country to take knowledge of this matter. Only public opinion can check and destroy it."—Woodrow Wilson, speaking at a news conference in 1913.

"By virtue of their wealth and freedom from regulation, some lobbies can threaten to or actually unleash almost unlimited television and direct-mail assaults on uncooperative legislators. At the same time they can legally reward those who do their bidding.The lobbies are a growing menace to our system of government."—Jimmy Carter, from his memoir, "Keeping Faith."

"Within minutes of the time I conclude my address to Congress Wednesday night, the special interests will be out in force. Those who profited from the status quo will oppose changes we seek—the budget cuts, the revenue increases, the new investment priorities. Every step of the way they'll oppose it. Many have already lined the corridors of power with high-priced lobbyists."

[From the Washington Post, Aug. 23, 1994]

CAPITAL NOTEBOOK: A MAN WHO FERTILIZES THE GRASS ROOTS

(By Guy Gugliotta)

Most people think grass-roots politics is terminally wholesome, with regular folks down on the farm uniting around a common goal and making their wishes known to elected officials: "Either you support nerve gas for gophers, lunkhead, or you can kiss your political career goodbye!"

Nerve gas doesn't have a large base of support, but if it did, the experts could find it, or at least work something up. Some people these days don't even know they're part of a "grass-roots political movement" until somebody tells them.

One of the best "somebodys" in the business is Bonner & Associates, which bills itself as "the premier grass-roots organizing firm in Washington" and has 10 years of experience to prove it.

Bonner has 200 "temporary grass-roots organizers" right now and they're hiring, because health care is on the floor of Congress and there is no more important grass-roots issue in America.

Here's how it works. Interest groups hire Bonner to drum up grass-roots support for their views and help make them known to members of the Senate and House when a critical vote is coming up.

Bonner locates key local leaders and organizations around the country, explains the issue to them, and, if their views coincide with those of Bonner's clients, asks people to call their representatives in Washington and tell them what they think.

"But only in their own words," said Bonner & Associates founder Jack Bonner. Unlike some competitors, Bonner does not write a script and does not monitor the calls. Often, however, Bonner's clients will provide an 800 number for the new grass-roots supporters to telephone, and Bonner reroutes the calls to the relevant congressional office.

The technique works on the principle that nothing can make lawmakers quake like outraged constituents, even carefully chosen ones. A few dozen well-timed calls on the day of an important vote could tip fence-sitters in the right direction.

But you have to be good at it, because Congress has become hip to such ploys. Thus, when 2,000 nasty telegrams arrive with the same message, it's usually because lobbyists are paying the freight and writing the words. And when 200 callers suddenly bombard a radio talk show host gave them the number.

Then there are the grotesque gaffes, like the one last week when a voter called a senator's office and asked the receptionist: "Do you know what I'm supposed to tell you? It was something to do with voting."

Polite inquiries established that the call was about health care. Did the caller have an opinion?

"Not really. I don't know how I feel yet," the caller confessed. "I told that lady that when she called, but she said she was going to transfer me anyway, and you answered the phone."

Oops.

There are those who might think that all this is the ultimate in Washington smoke and mirrors, a clever way for lobbyists and special interests to insert themselves between the public and their elected officials. Congress, which already bears a close resemblance to Oz, drifts further from reality.

Bonner acknowledged that his "organizers" are fishing for grass-roots views compatible with those of the lobbying groups, but he likened his firm to a lawyer or doctor: "You have a patient, you cure them," he said. "Each issue presents us with a new situation."

Right now, he said, Bonner & Associates has about 12 clients, including a coalition of insurance companies interested in health care, and a group of pharmaceutical firms and health management organizations. Fees, Bonner said, are "modest" and based on how difficult or complicated the issue is.

Bonner & Associates does not have any "ideological or political bent," Bonner said, but the company doesn't do political campaigns or fund-raising. In short, if you've got the money and need some "regular people" to flog your issue, Bonner will find them for you.

But, as Bonner points out, his organizers aren't talking to voters who couldn't care less about something. Retired people, farmers, small businessmen and countless other groups have a vested interest in health care and need to know what the debate is about.

"I see it as the triumph of democracy," Bonner said. "In a democracy, the more groups taking their message to the people outside the Beltway, and the more people taking their message to Congress, the better off the system is."

But is he getting the grass roots, or just the grass? The answer, as Bob Dylan put it, could be "blowin' in the wind."

[From the Los Angeles Times, Sept. 18, 1994]

HEADLINE: HIGH-TECH LOBBYING DIALS WRONG NUMBER

(By Jim Drinkard)

Steve Raby, Sen. Howell Heflin's top aide, was surprised when a letter signed with his own name arrived in the office strongly objecting to President Clinton's health care plan.

The letter—and a nearly identical one a week later—was generated by the Health Care Leadership Council, a business coalition that aired radio spots urging listeners to call a toll-free number to be put in touch with their members of Congress on health care.

Raby had called the number, but had not given permission for any letter to be sent to his boss, and Alabama Democrat. "I said, 'I disagree with your message,'" he recalled telling the operator.

Jack Bonner, whose lobbying firm ran the campaign for the council, said such incidents are rare. "You're going to have a few mistakes happen. It's not intentional, and it's against all written and oral policies," he said.

But the episode raises questions about the dangers inherent in high-tech lobbying and its opportunities for abuse.

"It's a way for special interests to appear to be coming from the grass-roots," said Sen. Byron Dorgan (D-N.D.), who said his office has also received technology-generated mail misrepresenting constituent's feelings. The discrepancy was discovered when his office wrote back to North Dakotans acknowledging their letters. "We've had letters back from people unaware of the fact that something has been sent in their name, and saying, 'In fact, I don't feel that way,'" Dorgan said.

One danger, said Dorgan, is that the advertising or phone call that prompts people to contact their lawmakers may not fully disclose who is paying for the lobbying effort.

"The person probably has no idea, (for example) that they're calling on behalf of a pharmaceutical manufacturer," he said. "The economic interest is not disclosed. It could be a way for a big pharmaceutical company to use a low-income senior citizen to do (its) bidding in an unwitting way."

Bonner disagrees, saying his services only facilitate democracy.

"Democracy, lawmaking, politicking is never a clear-cut, clean, pristine process," he said. "But it is infinitely better than any group that has a legislative interest . . . take their message outside the Beltway to the people."

His job, Bonner said, is to make it easier for those who agree with his clients to communicate their support to Washington.

Those who answer the phones at the Capitol say many callers know little more than what they have just seen or heard in a television or radio spot, words chosen less to educate than to fan the flames of fear or anger.

"We like to flesh out some reasons so we can tell the congressman, to know what people are thinking," said Trish Riley, an aide to Rep. Tim Holden (D-Pa.). But when asked why they hold their opinions the callers often say, '"I'm not sure. I just don't want you to vote for it,'" she said. "People are real confused. They don't want to leave their name and number. They just want to get off the phone."

Dorgan told of one caller to his office who began the conversation, "Do you know what I'm supposed to tell you? It has something to do with voting." The North Dakota small businessman then added, "Something to do with the health plan, I think."

Asked if he wanted to voice an opinion on health care to Dorgan, the man replied, "Not really. I don't know how I feel yet. I told that lady that when she called, but she said she was going to transfer me anyway."

The practice of selectivity putting through only the callers who agree with the lobbying client angered at least one lawmaker, Rep. Ike Skelton (D-Mo.). "I want people to call and give me their honest-to-goodness thoughts," Skelton said. "These people are blocking out some and letting others go through." Bonner said it would be absurd for a lobbying group to pay to deliver their opponents' views. "I know of no 800 line used for an advocacy purpose where people are put through on the other side" of the issue, he said.

BAPTIST JOINT COMMITTEE,
Washington, DC, September 29, 1994.

Hon. JOHN BRYANT,
House of Representatives,
Washington, DC.

DEAR MR. BRYANT: The Baptist Joint Committee serves the below-listed Baptist bodies on public policy issues surrounding religious liberty and the separation of church and state.

We have reviewed the church-state ramifications of H.R. 823, the Lobby Disclosure Act of 1994. I understand that the statutory exemptions are those reflected in my March 23, 1994 letter to you. We think that Section 103(9)(B) and Section 103(10)(B) adequately protect the free exercise rights of churches and religious organizations.

This language has been examined and approved by a number of religious organizations and their church-state experts, including from the Jewish community, mainline Protestants and the United States Catholic Conference.

I am, therefore, puzzled by Mr. Gingrich's letter questioning this legislation on the basis of the effect that it would have on religious organizations. I think he is plainly wrong.

We very much appreciate your willingness to accommodate religious liberty concerns in this legislation and appreciate the cooperation of your staff.

Yours very truly,

J. BRENT WALKER,
General Counsel

RELIGIOUS ACTION CENTER
OF REFORM JUDAISM
Washington, DC, Sept. 28, 1994.

Hon. JOHN BRYANT,
House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE BRYANT: On behalf of the Union of American Hebrew Congregations, representing the largest segment of American Jewry, I want to express my appreciation, once again, for your efforts in securing provisions within the Lobby Disclosure Act of 1994 that protect religious freedom for all Americans. The exemption of religious organizations from "lobbying activities" (section 103(9)(B)) and from "lobbying contacts" (section 103(10)(B)) appropriately protects the religious activities of religious institutions in America at both the local and national level. These exemptions were supported by the broadest range of religious denominations and faith groups, including the Jewish community, mainline protestant denominations, the Baptist Joint Public Affairs Committee, and the United States Catholic Conference.

It is therefore with astonishment that I read today Representative Newt Gingrich's letter attacking the Lobby Disclosure bill on the basis that religious organizations would have to register and report their expenditures. As the senior Jewish representative in Washington, and as an attorney who teaches church-state law at Georgetown University Law School, let me assure you that nothing could be further from the truth. The commitment that the House and Senate have shown to protecting religious freedom in this bill represents the highest values enshrined in the Constitution, and is deeply appreciated by the entire religious community.

Sincerely,

RABBI DAVID SAPERSTEIN.

U.S. CATHOLIC CONFERENCE,
OFFICE OF GOVERNMENT LIAISON,
Washington, DC, September 29, 1994.

Hon. JOHN BRYANT,
House of Representatives,
Washington, DC.

DEAR MR. CHAIRMAN: I am writing concerning provisions in S. 349, the "Lobbying Disclosure Act of 1994", that address how certain church institutions would be affected by the lobbying registration and reporting requirements of this legislation. The United States Catholic Conference ("USCC") staff, together with our colleagues in other denominations, were given opportunities to review and discuss these provisions during consideration of this bill in your Committee.

It is our understanding that those church organizations which fit the definition contained in Sections 103(9)(B) and 103(10)(B)(xviii) of the Act will be exempt from registering and reporting any legislative activities involving communications with their own membership. Furthermore, any lobbying contacts with government officials implicating the free exercise of religion would also be exempt from these requirements. We understand that Congress intends these provisions to create broad exemptions from the registration and reporting requirements of the Act for qualified church institutions.

We appreciate the opportunity to share our views with you on this important legislation.

Sincerely,

FRANK J. MONAHAN,
Director.

Mr. LEVIN. I thank the Chair. I yield the floor.

I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DOLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. DOLE. Mr. President, I ask unanimous consent that there now be a period for the transaction of morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

LEGISLATION TO PROVIDE FOR THE INVESTIGATION OF PERSONS MISSING FROM CYPRUS

Mr. DOLE. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 580, S. 1329, a bill to provide for an investigation of the whereabouts of certain United States citizens who have been missing in Cyprus since 1974.

The PRESIDING OFFICER. The bill will be stated by title.

The assistant legislative clerk read as follows:

A bill (S. 1329) to provide for an investigation of the whereabouts of the United States citizens and others who have been missing from Cyprus since 1974.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

AMENDMENT NO. 2609

Mr. DOLE. Mr. President, I send a substitute amendment to the desk on behalf of Senators D'AMATO and SIMON.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Kansas [Mr. DOLE for D'AMATO for himself and Mr. SIMON proposes an amendment numbered 2609.

Mr. DOLE. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

S. 1329

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. UNITED STATES CITIZENS MISSING FROM CYPRUS.

(a) INVESTIGATION.—As soon as is practicable, the President shall undertake, in cooperation with appropriate international organizations or nongovernmental organizations, a thorough investigation of the whereabouts of the United States citizens who have been missing from Cyprus since 1974. Any information on others missing from Cyprus that is learned or * * *. The investigation shall focus on the countries and communities which were combatants in Cyprus in 1974, all of which currently receive United States foreign assistance.

(b) REPORT TO THE FAMILIES.—The President shall report the findings of this investigation of the missing Americans to the family of each of the United States citizens. Such reports shall include the whereabouts of the missing.

(c) REPORT TO THE CONGRESS.—The information learned or discovered during this investigation, shall be reported to the Congress.

(d) RETURNING THE MISSING.—The President, in cooperation with appropriate international organizations or nongovernmental organizations shall do everything possible to return to their families, as soon as is practicable, the United States citizens who have been missing from Cyprus since 1974, and others who have been missing, including returning the remains of those who are no longer alive.

Mr. D'AMATO. Mr. President, I rise today to comment on the passage of S. 1329, the missing in Cyprus bill.

What this bill will do is to create an investigation into the whereabouts of 5 Americans and over 1,600 Greek-Cypriots missing in Cyprus during the Turkish invasion of that island. This has been a very delicate subject in Greek-Turkish relations for all these years, but these missing must be found. Information on their location must be discovered so that their families can finally go on with their lives.

I am glad that this legislation has passed the Senate and I thank Senator PAUL SIMON, as well as Congressman ELIOT ENGEL for their help in getting this legislation through both houses.

While a peaceful settlement of the Cyprus question has yet to be accomplished, this legislation will go some distance toward resolving some of the outstanding questions from this complicated dispute.

I ask unanimous consent that the final version of the bill be printed in the record and that my remarks be included in the RECORD following the bill.

Mr. DOLE. Mr. President, I ask that the amendment be agreed to.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

So the amendment (No. 2609) was agreed to.

AMERICANS MISSING IN CYPRUS

Mr. BYRD. Mr. President, S. 1329, as amended, calls for an investigation that will, I hope, finally resolve the fates of five United States citizens missing in Cyprus since 1974. I sympathize deeply with the families of those five individuals. The loss of a family member is an inconsolable pain that does not lessen over the years.

Many other families, of Turkish and Greek Cypriots, have suffered the loss of family members in Cyprus over the last 30 years. This bill requires that any information concerning the fates of these missing people discovered or learned during the course of the United States investigation be reported to the appropriate international or nongovernmental organization, so that other ongoing investigations concerning fates of all those missing in Cyprus, including those missing prior to 1974, may be resolved.

While it is important for the eventual resolution of the Cyprus issue that the fates of these missing individuals be resolved, there are appropriate international bodies suitable for any further inquiries—rather than the U.S. Department of State. We do have a special responsibility to determine the whereabouts of missing U.S. citizens, however, so that is the focus of this bill.

MISSING IN CYPRUS

Mr. SIMON. Mr. President, today the Senate will pass s. 1329, a bill to provide for the investigation of the whereabouts of the United States citizens who have been missing from Cyprus since 1974. I am very pleased to be an original cosponsor of this bill and to have worked to ensure its passage.

In the summer of 1974, five American citizens disappeared in Cyprus during the turmoil following the Turkish invasion of Cyprus. This bill will direct the U.S. State Department to undertake an investigation of these cases to determine the fate of these Americans. In addition, thousands of Greek and hundreds of Turkish Cypriots also disappeared in Cyprus in wake of the Turkish invasion. The fate of the Americans is inextricably linked to the fate of many of these Cypriots. During the course of its investigation, the State Department, in conjunction with other international organizations, will

uncover information about many missing Cypriots. S. 1329 also directs the State Department to release the information it uncovers on the missing Cypriots to the U.S. Congress and appropriate international organizations. This action will provide the families of the missing with answers and help the people of Cyprus heal the wounds that have divided this country for more than 20 years.

While the United Nations has formed a commission to look into this same issue, this commission has been bogged down by political infighting for over 10 years. After investigating over 500 cases of missing Cypriots, the U.N. Commission on the Missing in Cyprus has not yet reached a conclusion in any of these cases. No one expects the United States to solve all of these cases, but we should be able to learn the fate of the missing Americans and provide ample information to uncover the fate of many Cypriots. While the truth that is uncovered may not be pleasant for both the Greek and Turkish Cypriots, it will be a positive step in bringing about an end to the division of Cyprus.

Cyprus' history for the past twenty years has been tragic. S. 1329 may not magically reunify Cyprus, but it is a confidence building measure that will lead all Cypriots toward cooperation and understanding.

Mr. DOLE. Mr. President, I ask unanimous consent that the bill be read a third time; that the Foreign Relations Committee be discharged from further consideration of the House companion H.R. 2826; that all after the enacting clause be stricken and the text of S. 1329, as amended, be inserted in lieu thereof, the bill be read a third time and passed; the motion to reconsider be laid on the table; that S. 1329 be indefinitely postponed and any statements thereon appear in the RECORD at the appropriate place as though read.

The PRESIDING OFFICER. Without objection, it is so ordered.

So the bill (H.R. 2826) was deemed read a third time and passed.

Mr. DOLE. Mr. President, Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. FORD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE CROW SETTLEMENT ACT

Mr. FORD. Mr. President, I ask unanimous consent that the Energy Committee be discharged from further consideration of S. 1216, the Crow Settlement Act, that the Senate then proceed to the immediate consideration of the bill, that the bill be read three times, passed, and the motion to reconsider be laid upon the table; further that any statements thereon appear in the RECORD at the appropriate place as though read.

The PRESIDING OFFICER. Without objection, it is so ordered.

So the bill (S. 1216) was deemed read three times and passed, as follows:

[The bill was not available for printing. It will appear in a future issue of the RECORD.]

OFFICE OF SPECIAL COUNSEL AND MERIT SYSTEMS PROTECTION BOARD AUTHORIZATION ACT

Mr. FORD. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 599, S. 622, a bill to reauthorize the Office of Special Counsel and the Merit Systems Protection Board.

The PRESIDING OFFICER. The bill will be stated by title.

The bill clerk read as follows:

A bill (S. 622) to authorize appropriations for the U.S. Office of Special Counsel, the Merit Systems Protection Board, and for other purposes.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Governmental Affairs, with an amendment to strike out all after the enacting clause and inserting in lieu thereof the following:

SECTION 1. AUTHORIZATION OF APPROPRIATIONS.

(a) MERIT SYSTEMS PROTECTION BOARD.—Section 8(a)(1) of the Whistleblower Protection Act of 1989 (5 U.S.C. 5509 note; Public Law 101–12; 103 Stat. 34) is amended by striking out "1989, 1990, 1991, 1992, 1993, and 1994" and inserting in lieu thereof "1993, 1994, and 1995".

(b) OFFICE OF SPECIAL COUNSEL.—Section 8(a)(2) of the Whistleblower Protection Act of 1989 (5 U.S.C. 5509 note; Public Law 101–12; 103 Stat. 34) is amended by striking out "1989, 1990, 1991, and 1992" and inserting in lieu thereof "1993, 1994, and 1995".

SEC. 2. REASONABLE ATTORNEY FEES IN CERTAIN CASES.

Section 1204 of title 5, United States Code, is amended by adding at the end thereof the following new subsection:

"(m)(1) Except as provided in paragraph (2) of this subsection, the Board, or an administrative law judge or other employee of the Board designated to hear a case arising under section 1215, may require payment by the agency involved of reasonable attorney fees incurred by an employee or applicant for employment if the employee or applicant is the prevailing party and the Board, administrative law judge, or other employee (as the case may be) determines that payment by the agency is warranted in the interest of justice, including any case in which a prohibited personnel practice was engaged in by the agency or any case in which the agency's action was clearly without merit.

"(2) If an employee or applicant for employment is the prevailing party of a case arising under section 1215 and the decision is based on a finding of discrimination prohibited under section 2302(b)(1) of this title, the payment of attorney fees shall be in accordance with the standards prescribed under section 706(k) of the Civil Rights Act of 1964 (42 U.S.C. 2000e–5(k)).".

SEC. 3. OFFICE OF SPECIAL COUNSEL.

(a) SUCCESSION.—Section 1211(b) of title 5, United States Code, is amended by inserting after the first sentence: "The Special Counsel may continue to serve beyond the expiration of the term until a successor is appointed and has qualified, except that the Special Counsel may not continue to serve for more than one year after the date on which the term of the Special Counsel would otherwise expire under this subsection.".

(b) LIMITATIONS ON DISCLOSURES.—Section 1212(g) of title 5, United States Code, is amended—

(1) in paragraph (1), by striking out "provide information concerning" and inserting in lieu thereof "disclose any information from or about"; and

(2) in paragraph (2), by striking out "a matter described in subparagraph (A) or (B) of section 2302(b)(2) in connection with a" and inserting in lieu thereof "an evaluation of the work performance, ability, aptitude, general qualifications, character, loyalty, or suitability for any personnel action of any".

(c) DETERMINATIONS.—Section 1214(b)(2) of title 5, United States Code, is amended—

(1) by redesignating subparagraphs (A), (B) and (C) as subparagraphs (B), (C) and (D), respectively;

(2) by inserting before subparagraph (B) (as redesignated by paragraph (1) of this subsection) the following:

"(A)(i) Except as provided under clause (ii), no later than 240 days after the date of receiving an allegation of a prohibited personnel practice under paragraph (1), the Special Counsel shall make a determination whether there are reasonable grounds to believe that a prohibited personnel practice has occurred, exists, or is to be taken.

"(ii) If the Special Counsel is unable to make the required determination within the 240-day period specified under clause (i) and the person submitting the allegation of a prohibited personnel practice agrees to an extension of time, the determination shall be made within such additional period of time as shall be agreed upon between the Special Counsel and the person submitting the allegation."; and

(3) by inserting after subparagraph (D) (as redesignated by paragraph (1) of this subsection) the following new subparagraph:

"(E) A determination by the Special Counsel under this paragraph may not be admissible as evidence in any judicial or administrative proceeding, without the consent of the person submitting the allegation of a prohibited personnel practice.".

(d) REPORTS.—Section 1218 of title 5, United States Code, is amended by inserting "cases in which it did not make a determination whether there are reasonable grounds to believe that a prohibited personnel practice has occurred, exists, or is to be taken within the 240-day period specified in section 1214(b)(2)(A)(i)," after "investigations conducted by it,".

SEC. 4. INDEPENDENT RIGHT OF ACTION.

(a) SUBPOENAS.—Section 1221(d) of title 5, United States Code, is amended by striking out paragraph (1) and inserting in lieu thereof the following:

"(1) At the request of an employee, former employee, or applicant for employment seeking corrective action under subsection (a), the Board shall issue a subpoena for the attendance and testimony of any person or the production of documentary or other evidence from any person if the Board finds that the testimony or production requested is not unduly burdensome and appears reasonably calculated to lead to the discovery of admissible evidence.".

(b) CORRECTIVE ACTIONS.—Section 1221(e)(1) is amended by adding after the last sentence: "The employee may demonstrate that the disclosure was a contributing factor in the personnel action through circumstantial evidence, such as evidence that—

"(A) the official taking the personnel action knew of the disclosure; and

"(B) the personnel action occurred within a period of time such that a reasonable person could conclude that the disclosure was a factor in the personnel action.".

(c) REFERRALS.—Section 1221(f) of title 5, United States Code, is amended by adding after paragraph (2) the following new paragraph:

"(3) If, based on evidence presented to it under this section, the Merit Systems Protection Board determines that there is reason to believe that a current employee may have committed a prohibited personnel practice, the Board shall refer the matter to the Special Counsel to investigate and take appropriate action under section 1215.".

(d) ATTORNEYS' FEES.—Section 1221(g) of title 5, United States Code, is amended—

(1) in paragraph (1), by striking out "and any other reasonable costs incurred" and inserting in lieu thereof "and any other reasonable costs incurred directly or indirectly by the employee, former employee, or applicant."; and

(2) in paragraph (2), by striking out "and any other reasonable costs incurred," and inserting in lieu thereof "and any other reasonable costs incurred directly or indirectly by the employee, former employee, or applicant,".

SEC. 5. PROHIBITED PERSONNEL PRACTICES.

(a) PERSONNEL ACTIONS.—Section 2302(a)(2)(A) of title 5, United States Code, is amended—

(1) in clause (ix) by striking out "and" after the semicolon;

(2) by redesignating clause (x) as clause (xi) and inserting before such clause the following:

"(x) a decision to order psychiatric testing or examination; and"; and

(3) in the matter following designated clause (xi) (as redesignated by paragraph (2) of this subsection) by inserting before the semicolon the following: ", and in the case of an alleged prohibited personnel practice described in subsection (b)(8), an employee or applicant for employment in a Government corporation as defined in section 9101 of title 31".

(b) COVERED POSITIONS.—Section 2302(a)(2)(B) of title 5, United States Code, is amended to read as follows:

"(B) 'covered position' means, with respect to any personnel action, any position in the competitive service, a career appointee position in the Senior Executive Service, or a position in the excepted service, but does not include any position which is, prior to the personnel action—

"(i) excepted from the competitive service because of its confidential, policy-determining, policy-making, or policy-advocating character; or

"(ii) excluded from the coverage of this section by the President based on a determination by the President that it is necessary and warranted by conditions of good administration.".

(c) AGENCIES.—Section 2302(a)(2)(C) of title 5, United States Code, is amended in clause (i) by inserting before the semicolon: ", except in the case of an alleged prohibited personnel practice described under subsection (b)(8)".

(d) DISCRIMINATION AND RETALIATION.—Section 2302(b)(8) of title 5, United States Code, is amended by inserting "or otherwise discriminate or retaliate against," after "a personnel action".

(e) INFORMATIONAL PROGRAM.—Section 2302(c) of title 5, United States Code, is amended in the first sentence by inserting before the period ", and for ensuring (in consultation with the Office of Special Counsel) that agency employees are informed of the rights and remedies available to them under this chapter and chapter 12 of this title".

SEC. 6. PERFORMANCE APPRAISALS.

Section 4313(5) of title 5, United States Code, is amended to read as follows:

"(5) meeting affirmative action goals, achievement of equal employment opportunity requirements, and compliance with the merit systems principles set forth under section 2301 of this title.".

SEC. 7. MERIT SYSTEMS APPLICATION TO CERTAIN VETERANS AFFAIRS PERSONNEL.

Section 2105 of title 5, United States Code, is amended by adding at the end thereof the following new subsection:

"(f) For purposes of sections 1212, 1213, 1214, 1215, 1216, 1221, 1222, 2302, and 7701, employees appointed under chapter 73 or 74 of title 38 shall be employees.".

SEC. 8. CORRECTIVE ACTIONS ORDERED BY THE MERIT SYSTEMS PROTECTION BOARD.

(a) IN GENERAL.—Section 1214 of title 5, United States Code, is amended by adding at the end thereof the following new subsection:

"(g) If the Board orders corrective action under this section, such corrective action may include—

"(1) that the individual be placed, as nearly as possible, in the position the individual would have been in had the prohibited personnel practice not occurred; and

"(2) reimbursement for attorney's fees, back pay and related benefits, medical costs incurred, travel expenses, and any other reasonable and foreseeable consequential damages.".

(b) CERTAIN REPRISAL CASES.—Section 1221(g) of title 5, United States Code (as amended by section 4(d) of this Act) is further amended—

(1) by redesignating paragraphs (1) and (2) as paragraphs (2) and (3), respectively; and

(2) by inserting before paragraph (2) (as redesignated by paragraph (1) of this subsection) the following new paragraph:

"(1)(A) If the Board orders corrective action under this section, such corrective action may include—

"(i) that the individual be placed, as nearly as possible, in the position the individual would have been in had the prohibited personnel practice not occurred; and

"(ii) back pay and related benefits, medical costs incurred, travel expenses, and any other reasonable and foreseeable consequential changes.

"(B) Corrective action shall include attorney's fees and costs as provided for under paragraphs (2) and (3).".

SEC. 9. IMPLEMENTATION.

(a) POLICY STATEMENT.—No later than 6 months after the date of enactment of this Act, the Special Counsel shall issue a policy statement regarding the implementation of the Whistleblower Protection Act of 1989. Such policy statement shall be made available to each person alleging a prohibited personnel practice described under section 2302(b)(8) of title 5, United States Code, and shall include detailed guidelines identifying specific categories of information that may (or may not) be communicated to agency officials for an investigative purpose, or for the purpose of obtaining corrective action under section 1214 of title 5, United States Code, or disciplinary action under section 1215 of such title, the circumstances under which such information is likely to be disclosed, and whether or not the consent of any person is required in advance of any such communication.

(b) TERMINATION STATEMENT.—The Special Counsel shall include in any letter terminating an investigation under section 1214(a)(2) of title 5, United States Code, the name and telephone number of an employee of the Special Counsel who is available to respond to reasonable questions from the person regarding the investigation or review conducted by the Special Counsel, the relevant facts ascertained by the Special Counsel, and the law applicable to the person's allegations.

SEC. 10. ANNUAL SURVEY OF INDIVIDUALS SEEKING ASSISTANCE.

(a) IN GENERAL.—The Office of Special Counsel shall, after consulting with the Office of Policy and Evaluation of the Merit Systems Protection Board, conduct an annual survey of all individuals who contact the Office of Special Counsel for assistance. The survey shall—

(1) determine if the individual seeking assistance was fully apprised of their rights;

(2) determine whether the individual was successful either at the Office of Special Counsel or the Merit Systems Protection Board; and

(3) determine if the individual, whether successful or not, was satisfied with the treatment received from the Office of Special Counsel.

(b) REPORT.—The results of the survey conducted under subsection (a) shall be published in the annual report of the Office of Special Counsel.

SEC. 11. EFFECTIVE DATE.

The provisions of this Act and the amendments made by this Act shall be effective on and after the date of the enactment of this Act.

AMENDMENT NO. 2610

(Purpose: To clarify certain provisions relating to prohibited personnel practices, Merit Systems Protection Board proceedings, and for other purposes)

Mr. FORD. Mr. President, on behalf of Senators PRYOR and LEVIN, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment by number.

The assistant legislative clerk read as follows:

The Senator from Kentucky [Mr. FORD] for Mr. PRYOR, for himself, and Mr. LEVIN, proposes an amendment numbered 2610.

Mr. FORD. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 12, beginning with line 24, strike out all through line 4 on page 13 and insert in lieu thereof the following:

"(E) A determination by the Special Counsel under this paragraph shall not be cited or referred to in any proceeding under this paragraph or any other administrative or judicial proceeding for any purpose, without the consent of the person submitting the allegation of a prohibited personnel practice.".

On page 14, line 10, insert "contributing" before "factor".

On page 14, beginning with line 22, strike out all through line 8 on page 15.

On page 15, strike out lines 14 through 17 and insert in lieu thereof the following:

(2) by striking out clause (x) and inserting in lieu thereof the following:

"(x) a decision to order psychiatric testing or examination; and

"(xi) any other significant change in duties, responsibilities, or working conditions;"; and

On page 15, line 19, strike out "redesignated" and insert in lieu thereof "added".

On page 16, strike out lines 21 through 24.

On page 17, line 1, strike out "(e)" and insert in lieu thereof "(d)".

On page 19, insert between lines 6 and 7 the following new section:

SEC. 9. EXPENSES RELATED TO FEDERAL RETIREMENT APPEALS.

Section 8348(a) of title 5, United States Code, is amended—

(1) in paragraph (1)(B) by striking out "and" at the end thereof;

(2) in paragraph (2) by striking out the period and inserting in lieu thereof a semicolon and "and"; and

(3) by adding at the end thereof the following new paragraph:

"(8) in made available, subject to such annual limitation as the Congress may prescribe, for any expenses incurred by the Merit Systems Protection Board in the administration of appeals authorized under section 8347(d) and 8461(e) of this title.".

SEC. 10. ELECTION OF APPLICATION OF LAWS BY EMPLOYEES OF THE RESOLUTION TRUST CORPORATION AND THRIFT DEPOSITOR PROTECTION OVERSIGHT BOARD.

(a) ELECTION OF PROVISIONS OF TITLE 5, UNITED STATES CODE.—If an individual who believes he has been discharged or discriminated against in violation of section 21a(q)(1) of the Federal Home Loan Bank Act (12 U.S.C. 1441a(q)(1)) seeks an administrative corrective action or judicial remedy for such violation under the provisions of chapters 12 and 23 of title 5, United States Code, the provisions of section 21a(q) of such Act shall not apply to such alleged violation.

(b) ELECTION OF PROVISIONS OF FEDERAL HOME LOAN BANK ACT.—If an individual files a civil action under section 21a(q)(2) of the Federal Home Loan Bank Act (12 U.S.C. 1441a(q)(2)), the provisions of chapters 12 and 23 of title 5, United States Code, shall not apply to any alleged violation of section 21a(q)(1) of such Act.

On page 19, line 7, strike out "SEC. 9." and insert in lieu thereof "SEC. 11.".

Page 20, line 8, strike out "SEC. 10." and insert in lieu thereof "SEC. 12.".

On page 21, line 1, strike out "SEC. 11." and insert in lieu thereof "SEC. 13.".

Mr. PRYOR. Mr. President, the amendment that I am offering, along with Senator LEVIN, makes minor changes to S. 622, a bill to reauthorize the Office of Special Counsel [OSC] and the Merit Systems Protection Board [MSPB].

The amendment does the following:

Clarifies vague statutory language; this new language bars the submission of OSC's determinations in support of motions or in any proceeding other than a trial, in addition to use as evidence in a trial, at the discretion of the whistleblower. This language was suggested by the Department of Justice [DOJ]. It is used in DOJ settlement memoranda.

Eliminates section 4(d). The MSPB has already overturned the case this section addressed.

Eliminates section 5(d) and replaces the language with "any other significant change in duties, responsibilities, or working conditions." This change is intended to clarify the purpose of section 5(d).

Gives the MSPB statutory authorization to receive reimbursement, subject to congressional limitations, from the Civil Service Retirement and Disability Fund. Congress has been appropriating funds to MSPB for this purpose, however, there has never been authorization for such appropriations. This language addresses that situation.

Requires RTC employees who have whistleblower protection available to them under title 12 and title 5 to choose one route at the time such employee chooses to exercise his/her rights.

Mr. President, I am pleased to be a cosponsor, along with Senators LEVIN and COHEN, of S. 622. The Senate passed similar legislation last Congress; however, the House did not act on the bill. The Office of Special Counsel [OSC], therefore, has been operating without authorization since 1993.

S. 622 would authorize OSC for 3 years. It puts the OSC and the Merit Systems Protection Board on the same authorization schedule. It clarifies the rules governing OSC's disclosure of information about whistleblowers, requires the OSC to provide detailed information to employees when their cases are terminated, establishes a 240-day time limit for OSC to make a determination regarding whistleblower cases, and requires agencies to inform Federal employees of the rights and remedies available to them under the Whistleblower Protection Act.

Mr. President, as you well know, Congress relies on whistleblowers to bring to our attention information on problems within the Government that otherwise we would never find. Whistleblowers often act at their peril and we should do all that we can to ensure that whistleblowers are not punished for their actions. This bill makes some improvements to the Whistleblower Protection Act to make their situation somewhat easier. I urge the Senate to approve S. 622.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 2610) was agreed to.

Mr. FORD. Mr. President, I move to reconsider the vote and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDEMENT NO. 2611

(Purpose: To provide that the Special Counsel shall provide a status report of an allegation before terminating an investigation, and for other purposes)

Mr. FORD. Mr. President, on behalf of Senator DORGAN, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment by number.

The assistant legislative clerk read as follows:

The Senator from Kentucky [Mr. FORD] for Mr. DORGAN proposes an amendment numbered 2611.

Mr. FORD. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 11, insert between lines 21 and 22 the following new subsection;

(c) Status Report Before Termination of Investigation.—Section 1214(a) of title 5, United States Code, is amended—

(1) in paragraph (1)—

(A) by adding at the end thereof the following new subparagraph:

"(D) No later than 10 days before the Special Counsel terminates any investigation of a prohibited personnel practice, the Special Counsel shall provide a written status report to the person who made the allegation of the proposed findings of fact and legal conclusions. The person may submit written comments about the report to the Special Counsel,"; and

(2) in paragraph (2)(A)—

(A) in clause (ii) by striking out "and" after the semicolon;

(B) in clause (iii) by striking out the period and inserting in lieu thereof a semicolon and "and"; and

(C) by adding at the end thereof the following new clause:

"(iv) a response to any comments submitted under paragraph (1)(D).".

On page 11, line 22, strike out "(c)" and insert in lieu thereof "(d)".

On page 13, line 5, strike out "(d)" and insert in lieu thereof "(e)".

On page 16, line 15, strike out the first period and insert in lieu thereof a semicolon and "and".

Mr. FORD. Mr. President, I ask that the amendment be agreed to.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 2611) was agreed to.

Mr. FORD. Mr. President, I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Without objection, the committee substitute, as amended, is agreed to.

If there is no objection, the bill will be deemed read three times and passed.

So the bill (S. 622), as amended, was deemed read three times and passed, as follows:

S. 622

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. AUTHORIZATION OF APPROPRIATIONS.

(a) MERIT SYSTEMS PROTECTION BOARD.—Section 8(a)(1) of the Whistleblower Protection Act of 1989 (5 U.S.C. 5509 note; Public Law 101-12; 103 Stat. 34) is amended by striking out "1989, 1990, 1991, 1992, 1993, and 1994" and inserting in lieu thereof "1993, 1994, and 1995".

(b) OFFICE OF SPECIAL COUNSEL.—Section 8(a)(2) of the Whistleblower Protection Act of 1989 (5 U.S.C. 5509 note; Public Law 101-12; 103 Stat. 34) is amended by striking out "1989, 1990, 1991, and 1992" and inserting in lieu thereof "1993, 1994, and 1995".

SEC. 2. REASONABLE ATTORNEY FEES IN CERTAIN CASES.

Section 1204 of title 5, United States Code, is amended by adding at the end thereof the following new subsection:

"(m)(1) Except as provided in paragraph (2) of this subsection, the Board, or an administrative law judge or other employee of the Board designated to hear a case arising under section 1215, may require payment by the agency involved of reasonable attorney fees incurred by an employee or applicant for employment if the employee or applicant is the prevailing party and the Board, administrative law judge, or other employee (as the case may be) determines that payment by the agency is warranted in the interest of justice, including any case in which a prohibited personnel practice was engaged in by the agency or any case in which the agency's action was clearly without merit.

"(2) If an employee or applicant for employment is the prevailing party of a case arising under section 1215 and the decision is based on a finding of discrimination prohibited under section 2302(b)(1) of this title, the payment of attorney fees shall be in accordance with the standards prescribed under section 706(k) of the Civil Rights Act of 1964 (42 U.S.C. 2000e-5(k)).".

SEC. 3. OFFICE OF SPECIAL COUNSEL.

(a) SUCCESSION.—Section 1211(b) of title 5, United States Code, is amended by inserting after the first sentence: "The Special Counsel may continue to serve beyond the expiration of the term until a successor is appointed and has qualified, except that the Special Counsel may not continue to serve for more than one year after the date on which the term of the Special Counsel would otherwise expire under this subsection.".

(b) LIMITATIONS ON DISCLOSURES.—Section 1212(g) of title 5, United States Code, is amended—

(1) in paragraph (1), by striking out "provide information concerning" and inserting in lieu thereof "disclose any information from or about"; and

(2) in paragraph (2), by striking out "a matter described in subparagraph (A) or (B) of section 2302(b)(2) in connection with a" and inserting in lieu thereof "an evaluation of the work performance, ability, aptitude, general qualifications, character, loyalty, or suitability for any personnel action of any".

(c) STATUS REPORT BEFORE TERMINATION OF INVESTIGATION.—Section 1214(a) of title 5, United States Code, is amended—

(1) in paragraph (1)—

(A) by adding at the end thereof the following new subparagraph:

"(D) No later than 10 days before the Special Counsel terminates any investigation of a prohibited personnel practice, the Special Counsel shall provide a written status report to the person who made the allegation of the proposed findings of fact and legal conclusions. The person may submit written comments about the report to the Special Counsel."; and

(2) in paragraph (2)(A)—

(A) in clause (ii) by striking out "and" after the semicolon;

(B) in clause (iii) by striking out the period and inserting in lieu thereof a semicolon and "and"; and

(C) by adding at the end thereof the following new clause:

"(iv) a response to any comments submitted under paragraph (1)(D).".

(d) DETERMINATIONS.—Section 1214(b)(2) of title 5, United States Code, is amended—

(1) by redesignating subparagraphs (A), (B) and (C) as subparagraphs (B), (C) and (D), respectively;

(2) by inserting before subparagraph (B) (as redesignated by paragraph (1) of this subsection) the following:

"(A)(i) Except as provided under clause (ii), no later than 240 days after the date of receiving an allegation of a prohibited personnel practice under paragraph (1), the Special Counsel shall make a determination whether there are reasonable grounds to believe that a prohibited personnel practice has occurred, exists, or is to be taken.

"(ii) If the Special Counsel is unable to make the required determination within the 240-day period specified under clause (i) and the person submitting the allegation of a prohibited personnel practice agrees to an extension of time, the determination shall be made within such additional period of time as shall be agreed upon between the Special Counsel and the person submitting the allegation."; and

(3) by inserting after subparagraph (D) (as redesignated by paragraph (1) of this subsection) the following new subparagraph:

"(E) A determination by the Special Counsel under this paragraph shall not be cited or referred to in any proceeding under this paragraph or any other administrative or judicial proceeding for any purpose, without the consent of the person submitting the allegation of a prohibited personnel practice.".

(e) REPORTS.—Section 1218 of title 5, United States Code, is amended by inserting "cases in which it did not make a determination whether there are reasonable grounds to believe that a prohibited personnel practice has occurred, exists, or is to be taken within the 240-day period specified in section 1214(b)(2)(A)(i)," after "investigations conducted by it,".

SEC. 4. INDEPENDENT RIGHT OF ACTION.

(a) SUBPOENAS.—Section 1221(d) of title 5, United States Code, is amended by striking out paragraph (1) and inserting in lieu thereof the following:

"(1) At the request of an employee, former employee, or applicant for employment seeking corrective action under subsection (a), the Board shall issue a subpoena for the attendance and testimony of any person or the production of documentary or other evidence from any person if the Board finds that the testimony or production requested is not unduly burdensome and appears reasonably calculated to lead to the discovery of admissible evidence.".

(b) CORRECTIVE ACTIONS.—Section 1221(e)(1) is amended by adding after the last sentence: "The employee may demonstrate that the disclosure was a contributing factor in the personnel action through circumstantial evidence, such as evidence that—

"(A) the official taking the personnel action knew of the disclosure; and

"(B) the personnel action occurred within a period of time such that a reasonable person could conclude that the disclosure was a contributing factor in the personnel action.".

(c) REFERRALS.—Section 1221(f) of title 5, United States Code, is amended by adding after paragraph (2) the following new paragraph:

"(3) If, based on evidence presented to it under this section, the Merit Systems Protection Board determines that there is reason to believe that a current employee may have committed a prohibited personnel practice, the Board shall refer the matter to the Special Counsel to investigate and take appropriate action under section 1215.".

SEC. 5. PROHIBITED PERSONNEL PRACTICES.

(a) PERSONNEL ACTIONS.—Section 2302(a)(2)(A) of title 5, United States Code, is amended—

(1) in clause (ix) by striking out "and" after the semicolon;

(2) by striking out clause (x) and inserting in lieu thereof the following:

"(x) a decision to order psychiatric testing or examination; and

"(xi) any other significant change in duties, responsibilities, or working conditions;"; and

(3) in the matter following designated clause (xi) (as added by paragraph (2) of this subsection) by inserting before the semicolon the following: ", and in the case of an alleged prohibited personnel practice described in subsection (b)(8), an employee or applicant for employment in a Government corporation as defined in section 9101 of title 31".

(b) COVERED POSITIONS.—Section 2302(a)(2)(B) of title 5, United States Code, is amended to read as follows:

"(B) 'covered position' means, with respect to any personnel action, any position in the competitive service, a career appointee position in the Senior Executive Service, or a position in the excepted service, but does not include any position which is, prior to the personnel action—

"(i) excepted from the competitive service because of its confidential, policy-determining, policy-making, or policy-advocating character; or

"(ii) excluded from the coverage of this section by the President based on a determination by the President that it is necessary and warranted by conditions of good administration; and".

(c) AGENCIES.—Section 2302(a)(2)(C) of title 5, United States Code, is amended in clause (i) by inserting before the semicolon: ", except in the case of an alleged prohibited personnel practice described under subsection (b)(8)".

(d) INFORMATIONAL PROGRAM.—Section 2302(c) of title 5, United States Code, is amended in the first sentence by inserting before the period ", and for ensuring (in consultation with the Office of Special Counsel) that agency employees are informed of the rights and remedies available to them under this chapter and chapter 12 of this title".

SEC. 6. PERFORMANCE APPRAISALS.

Section 4313(5) of title 5, United States Code, is amended to read as follows:

"(5) meeting affirmative action goals, achievement of equal employment opportunity requirements, and compliance with the merit systems principles set forth under section 2301 of this title.".

SEC. 7. MERIT SYSTEMS APPLICATION TO CERTAIN VETERANS AFFAIRS PERSONNEL.

Section 2105 of title 5, United States Code, is amended by adding at the end thereof the following new subsection:

"(f) For purposes of sections 1212, 1213, 1214, 1215, 1216, 1221, 1222, 2302, and 7701, employees appointed under chapter 73 or 74 of title 38 shall be employees.".

SEC. 8. CORRECTIVE ACTIONS ORDERED BY THE MERIT SYSTEMS PROTECTION BOARD.

(a) IN GENERAL.—Section 1214 of title 5, United States Code, is amended by adding at the end thereof the following new subsection:

"(g) If the Board orders corrective action under this section, such corrective action may include—

"(1) that the individual be placed, as nearly as possible, in the position the individual would have been in had the prohibited personnel practice not occurred; and

"(2) reimbursement for attorney's fees, back pay and related benefits, medical costs

incurred, travel expenses, and any other reasonable and foreseeable consequential damages.".

(b) CERTAIN REPRISAL CASES.—Section 1221(g) of title 5, United States Code (as amended by section 4(d) of this Act) is further amended—

(1) by redesignating paragraphs (1) and (2) as paragraphs (2) and (3), respectively; and

(2) by inserting before paragraph (2) (as redesignated by paragraph (1) of this subsection) the following new paragraph:

"(1)(A) If the Board orders corrective action under this section, such corrective action may include—

"(i) that the individual be placed, as nearly as possible, in the position the individual would have been in had the prohibited personnel practice not occurred; and

"(ii) back pay and related benefits, medical costs incurred, travel expenses, and any other reasonable and foreseeable consequential changes.

"(B) Corrective action shall include attorney's fees and costs as provided for under paragraphs (2) and (3).".

SEC. 9. EXPENSES RELATED TO FEDERAL RETIREMENT APPEALS.

Section 8348(a) of title 5, United States Code, is amended—

(1) in paragraph (1)(B) by striking out "and" at the end thereof;

(2) in paragraph (2) by striking out the period and inserting in lieu thereof a semicolon and "and"; and

(3) by adding at the end thereof the following new paragraph:

"(3) is made available, subject to such annual limitation as the Congress may prescribe, for any expenses incurred by the Merit Systems Protection Board in the administration of appeals authorized under sections 8347(d) and 8461(e) of this title.".

SEC. 10. ELECTION OF APPLICATION OF LAWS BY EMPLOYEES OF THE RESOLUTION TRUST CORPORATION AND THRIFT DEPOSITOR PROTECTION OVERSIGHT BOARD.

(a) ELECTION OF PROVISIONS OF TITLE 5, UNITED STATES CODE.—If an individual who believes he has been discharged or discriminated against in violation of section 21a(q)(1) of the Federal Home Loan Bank Act (12 U.S.C. 1441a(q)(1)) seeks an administrative corrective action or judicial remedy for such violation under the provisions of chapters 12 and 23 of title 5, United States Code, the provisions of section 21a(q) of such Act shall not apply to such alleged violation.

(b) ELECTION OF PROVISIONS OF FEDERAL HOME LOAN BANK ACT.—If an individual files a civil action under section 21a(q)(2) of the Federal Home Loan Bank Act (12 U.S.C. 1441a(q)(2)), the provisions of chapters 12 and 23 of title 5, United States Code, shall not apply to any alleged violation of section 21a(q)(1) of such Act.

SEC. 11. IMPLEMENTATION.

(a) POLICY STATEMENT.—No later than 6 months after the date of enactment of this Act, the Special Counsel shall issue a policy statement regarding the implementation of the Whistleblower Protection Act of 1989. Such policy statement shall be made available to each person alleging a prohibited personnel practice described under section 2302(b)(8) of title 5, United States Code, and shall include detailed guidelines identifying specific categories of information that may (or may not) be communicated to agency officials for an investigative purpose, or for the purpose of obtaining corrective action under section 1214 of title 5, United States Code, or disciplinary action under section 1215 of such title, the circumstances under which such information is likely to be disclosed, and whether or not the consent of any person is required in advance of any such communication.

(b) TERMINATION STATEMENT.—The Special Counsel shall include in any letter terminating an investigation under section 1214(a)(2) of title 5, United States Code, the name and telephone number of an employee of the Special Counsel who is available to respond to reasonable questions from the person regarding the investigation or review conducted by the Special Counsel, the relevant facts ascertained by the Special Counsel, and the law applicable to the person's allegations.

SEC. 12. ANNUAL SURVEY OF INDIVIDUALS SEEKING ASSISTANCE.

(a) IN GENERAL.—The Office of Special Counsel shall, after consulting with the Office of Policy and Evaluation of the Merit Systems Protection Board, conduct an annual survey of all individuals who contact the Office of Special Counsel for assistance. The survey shall—

(1) determine if the individual seeking assistance was fully apprised of their rights;

(2) determine whether the individual was successful either at the Office of Special Counsel or the Merit Systems Protection Board; and

(3) determine if the individual, whether successful or not, was satisfied with the treatment received from the Office of Special Counsel.

(b) REPORT.—The results of the survey conducted under subsection (a) shall be published in the annual report of the Office of Special Counsel.

SEC. 13. EFFECTIVE DATE.

The provisions of this Act and the amendments made by this Act shall be effective on and after the date of the enactment of this Act.

Mr. FORD. Mr. President, I move to reconsider and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

MOHEGAN NATION OF CONNECTICUT LAND CLAIMS SETTLEMENT ACT OF 1994

Mr. FORD. Mr. President, I ask unanimous consent that the Senate turn to the consideration of Calendar Order No. 576, S. 2329, a bill to settle certain Indian land claims within the State of Connecticut; that the committee substitute be agreed to and the bill read a third time; that the Senate proceed to the consideration of House companion, H.R. 4653, Calendar Order No. 553; that all after the enacting clause be stricken and the text of S. 2329, as amended, be inserted in lieu thereof, the bill read a third time, and passed, the motion to reconsider laid on the table; that S. 2329 then be indefinitely postponed, and any statement thereon appear in the RECORD at the appropriate place.

The PRESIDING OFFICER. Without objection, it is so ordered.

So the bill (H.R. 4653), as amended, was passed, as follows:

H.R. 4653

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Mohegan Nation of Connecticut Land Claims Settlement Act of 1994".

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds the following:

(1) The Mohegan Tribe of Indians of Connecticut received recognition by the United States pursuant to the administrative process under part 83 of title 25 of the Code of Federal Regulations.

(2) The Mohegan Tribe of Indians of Connecticut is the successor in interest to the aboriginal entity known as the Mohegan Indian Tribe.

(3) The Mohegan Tribe has existed in the geographic area that is currently the State of Connecticut for a long period preceding the colonial period of the history of the United States.

(4) Certain lands were sequestered as tribal lands by the Colony of Connecticut and subsequently by the State of Connecticut.

(5) The Mohegan Tribe of Indians of Connecticut v. State of Connecticut, et al. (Civil Action No. H–77–434, pending before the United States District Court for the Southern District of Connecticut) relates to the ownership of certain lands within the State of Connecticut.

(6) Such action will likely result in economic hardships for residents of the State of Connecticut, including residents of the town of Montville, Connecticut, by encumbering the title to lands in the State, including lands that are not currently the subject of the action.

(7) The State of Connecticut and the Mohegan Tribe have executed agreements for the purposes of resolving all disputes between the State of Connecticut and the Mohegan Tribe and providing a settlement for the action referred to in paragraph (5).

(8) In order to implement the agreements referred to in paragraphs (5) and (6) of section 3 that address matters of jurisdiction with respect to certain offenses committed by and against members of the Mohegan Tribe and other Indians in Indian country and matters of gaming-related development, it is necessary for the Congress to enact legislation.

(9) The town of Montville, Connecticut, will—

(A) be affected by the loss of a tax base from, and jurisdiction over, lands that will be held in trust by the United States on behalf of the Mohegan Tribe; and

(B) serve as the host community for the gaming operations of the Mohegan Tribe.

(10) The town of Montville and the Mohegan Tribe have entered into an agreement to resolve issues extant between them and to establish the basis for a cooperative government-to-government relationship.

(b) PURPOSES.—The purposes of this Act are as follows:

(1) To facilitate the settlement of claims against the State of Connecticut by the Mohegan Tribe.

(2) To facilitate the removal of any encumbrance to any title to land in the State of Connecticut that would have resulted from the action referred to in subsection (a).

SEC. 3. DEFINITIONS.

As used in this Act:

(1) LANDS OR NATURAL RESOURCES.—The term "lands or natural resources" means any real property or natural resources, or any interest in or right involving any real property or natural resources, including any right or interest in minerals, timber, or water, and any hunting or fishing rights.

(2) MOHEGAN TRIBE.—The term "Mohegan Tribe" means the Mohegan Tribe of Indians of Connecticut, a tribe of American Indians recognized by the United States pursuant to part 83 of title 25, Code of Federal Regulations, and the State of Connecticut pursuant to section 47–59a(b) of the Connecticut General Statutes.

(3) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(4) STATE.—The term "State" means the State of Connecticut.

(5) STATE AGREEMENT.—The term "State Agreement" means the Agreement between the Mohegan Tribe and the State of Connecticut, executed on May 17, 1994, by the Governor of the State of Connecticut and the Chief of the Mohegan Tribe, that was filed with the Secretary of State of the State of Connecticut.

(6) TOWN AGREEMENT.—The term "Town Agreement" means the agreement executed on June 16, 1994, by the Mayor of the town of Montville and the Chief of the Mohegan Tribe.

(7) TRANSFER.—The term "transfer" includes any sale, grant, lease, allotment, partition, or conveyance, any transaction the purpose of which is to effect a sale, grant, lease, allotment, partition, or conveyance, or any event that results in a change of possession or control of land or natural resources.

SEC. 4. ACTION BY SECRETARY.

(a) IN GENERAL.—The Secretary is authorized to carry out the duties specified in subsection (b) at such time as the Secretary makes a determination that—

(1) in accordance with the Indian Gaming Regulatory Act (25 U.S.C. 2701 et seq.), the State of Connecticut has entered into a binding compact with the Mohegan Tribe providing for class III tribal gaming operations (as defined in section 4(8) of such Act (25 U.S.C. 2703(8)));

(2) the compact has been approved by the Secretary pursuant to section 11(d)(8) of such Act (25 U.S.C. 2710(d)(8)); and

(3) pursuant to transfers carried out pursuant to the State Agreement, the United States holds title to lands described in exhibit B of the State Agreement in trust for the Mohegan Tribe to be used as the initial Indian reservation of the Mohegan Tribe.

(b) PUBLICATION BY SECRETARY.—If the Secretary makes a determination under subsection (a) that the conditions specified in paragraphs (1) through (3) of that subsection have been met, the Secretary shall publish the determination, together with the State Agreement, in the Federal Register.

(c) EFFECT OF PUBLICATION.—

(1) IN GENERAL.—Upon the publication of the determination and the State Agreement in the Federal Register pursuant to subsection (b), a transfer, waiver, release, relinquishment, or other commitment made by the Mohegan Tribe in accordance with the terms and conditions of the State Agreement shall be in full force and effect.

(2) APPROVAL BY THE UNITED STATES.—(A) The United States hereby approves any transfer, waiver, release, relinquishment, or other commitment carried out pursuant to paragraph (1).

(B) A transfer made pursuant to paragraph (1) shall be deemed to have been made in accordance with all provisions of Federal law that specifically apply to transfers of lands or natural resources from, by, or on behalf of an Indian, Indian nation, or tribe of Indians (including the Act popularly known as the "Trade and Intercourse Act of 1790"; section 4 of the Act of July 22, 1790 (1 Stat. 137, chapter 33)). The approval of the United States made pursuant to subparagraph (A) shall apply to the transfer beginning on the date of the transfer.

(d) EXTINGUISHMENT OF CLAIMS.—

(1) IN GENERAL.—Subject to subsections (f)(2) and (g), the following claims are hereby extinguished:

(A) Any claim to land within the State of Connecticut based upon aboriginal title by the Mohegan Tribe.

(B) Any other claim that the Mohegan Tribe may have with respect to any public or private lands or natural resources in Connecticut, including any claim or right based on recognized title, including—

(i) any claim that the Mohegan Tribe may have to the tribal sequestered lands bounded out to the Tribe in 1684, consisting of some 20,480 acres lying between the Thames River, New London bounds, Norwich bounds, and Colchester bounds;

(ii) any claim that the Mohegan Tribe may have based on a survey conducted under the authority of the Connecticut General Assembly in 1736 of lands reserved and sequestered by the General Assembly for the sole use and improvement of the Mohegan Indian Tribe; and

(iii) any claim that the Mohegan Tribe may have based on any action by the State carried out in 1860 or 1861 or otherwise made by the State to allot, reallot, or confirm any lands of the Mohegan Tribe to individual Indians or other persons.

(2) APPROVAL BY THE UNITED STATES.—An extinguishment made pursuant to this subsection shall be deemed to have been made in accordance with all provisions of Federal law that specifically apply to transfers of lands or natural resources from, by, or on behalf of an Indian, Indian nation, or tribe of Indians (including the Act popularly known as the "Trade and Intercourse Act of 1790"; section 4 of the Act of July 22, 1790 (1 Stat. 137, chapter 33)).

(e) TRANSFERS.—Subject to subsection (g), any transfer of lands or natural resources located within the State of Connecticut, including any such transfer made pursuant to any applicable Federal or State law (including any applicable treaty), made by, from, or on behalf of the Mohegan Tribe or any predecessor or successor in interest of the Mohegan Tribe shall be deemed to be in full force and effect, as provided in subsection (c)(1).

(f) LIMITATION.—

(1) IN GENERAL.—Except as provided in paragraph (2) and subject to subsection (g), by virtue of the approval by the United States under this section of a transfer of land or the extinguishment of aboriginal title, any claim by the Mohegan Tribe against the United States, any State or political subdivision of a State, or any other person or entity, by the Mohegan Tribe, that—

(A) arises after the transfer or extinguishment is carried out; and

(B) is based on any interest in or right involving any claim to lands or natural resources described in this section, including claims for trespass damages or claims for use and occupancy, shall, beginning on the date of the transfer of land or the extinguishment of aboriginal title, be considered an extinguished claim.

(2) EXCEPTION.—The limitation under paragraph (1) shall not apply to any interest in lands or natural resources that is lawfully acquired by the Mohegan Tribe or a member of the Mohegan Tribe after the applicable date specified in paragraph (1).

(g) STATUTORY CONSTRUCTION.—

(1) ABORIGINAL INTERESTS.—Nothing in this section may be construed to extinguish any aboriginal right, title, interest, or claim to lands or natural resources, to the extent that such right, title, interest, or claim is an excepted interest, as defined under section 1(a) of the State Agreement.

(2) PERSONAL CLAIMS.—Nothing in this section may be construed to offset or eliminate the personal claim of any individual Indian if the individual Indian pursues such claim under any law of general applicability.

SEC. 5. CONVEYANCE OF LANDS TO THE UNITED STATES TO BE HELD IN TRUST FOR THE MOHEGAN TRIBE.

(a) IN GENERAL.—Subject to the environmental requirements that apply to land acquisitions covered under part 151 of title 25, Code of Federal Regulations (or any subsequent similar regulation), the Secretary shall take such action as may be necessary to facilitate the conveyance to the United States of title to lands described in exhibits A and B of the State Agreement. Such lands shall be held by the United States in trust for the use and benefit of the Mohegan Tribe as the initial Indian reservation of the Mohegan Tribe.

(b) CONSULTATION.—

(1) IN GENERAL.—The Secretary shall consult with the appropriate official of the town of Montville concerning any tract of land subject to exhibit B of the State Agreement but not specifically identified in such exhibit with respect to the impact on the town resulting from—

(A) the removal of the land from taxation by the town;

(B) problems concerning the determination of jurisdiction; and

(C) potential land use conflicts.

(2) STATUTORY CONSTRUCTION.—Nothing in this Act may affect the right of the town of Montville to participate, under any applicable law, in decisionmaking processes concerning the acquisition of any lands by the Federal Government to be held in trust for the Mohegan Tribe.

SEC. 6. CONSENT OF UNITED STATES TO STATE ASSUMPTION OF CRIMINAL JURISDICTION.

(a) IN GENERAL.—Subject to subsection (b), the consent of the United States is hereby given to the assumption of jurisdiction by the State of Connecticut over criminal offenses committed by or against Indians on the reservation of the Mohegan Tribe. The State shall have such jurisdiction to the same extent as the State has jurisdiction over such offenses committed elsewhere within the State. The criminal laws of the State shall have the same force within such reservation and Indian country as such laws have elsewhere within the State.

(b) STATUTORY CONSTRUCTION.—

(1) EFFECT ON CONCURRENT JURISDICTION OF THE MOHEGAN TRIBE.—The assumption of criminal jurisdiction by the State pursuant to subsection (a) shall not affect the concurrent jurisdiction of the Mohegan Tribe over matters concerning such criminal offenses.

(2) STATUTORY CONSTRUCTION.—The assumption of criminal jurisdiction by the State pursuant to subsection (a) shall not be construed as a waiver of the jurisdiction of the United States under section 1153 of title 18, United States Code.

SEC. 7. RATIFICATION OF TOWN AGREEMENT.

(a) IN GENERAL.—Notwithstanding any other provision of law, the consent of the United States is hereby given to the Town Agreement and the Town Agreement shall be in full force and effect.

(b) APPROVAL OF TOWN AGREEMENT.—The Secretary shall approve any subsequent amendments made to the Town Agreement after the date of enactment of this Act that are—

(1) mutually agreed on by the parties to the Town Agreement; and

(2) consistent with applicable law.

SEC. 8. GENERAL DISCHARGE AND RELEASE OF OBLIGATIONS OF STATE OF CONNECTICUT.

Except as expressly provided in this Act, the State Agreement, or the Town Agreement, this Act shall constitute a general discharge and release of all obligations of the State of Connecticut and the political subdivisions, agencies, departments, officers, or employees of the State of Connecticut arising from any treaty or agreement with, or on behalf of, the Mohegan Tribe or the United States as trustee for the Mohegan Tribe.

SEC. 9. EFFECT OF REVOCATION OF STATE AGREEMENT.

(a) IN GENERAL.—If, during the 15-year period beginning on the date on which the Secretary

publishes a determination pursuant to section 4(b), the State Agreement is invalidated by a court of competent jurisdiction, or if the gaming compact described in section 4(a)(1) or any agreement between the State of Connecticut and the Mohegan Tribe to implement the compact is invalidated by a court of competent jurisdiction—

(1) the transfers, waivers, releases, relinquishments, and other commitments made by the Mohegan Tribe under section 1(a) of the State Agreement shall cease to be of any force or effect;

(2) section 4 of this Act shall not apply to the lands or interests in lands or natural resources of the Mohegan Tribe or any of its members, and the title to the lands or interests in lands or natural resources shall be determined as if such section were never enacted; and

(3) the approval by the United States of prior transfers and the extinguishment of claims and aboriginal title of the Mohegan Tribe otherwise made under section 4 shall be void.

(b) RIGHT OF MOHEGAN TRIBE TO REINSTATE CLAIM.—

(1) IN GENERAL.—If a State Agreement or compact or agreement described in subsection (a) is invalidated by a court of competent jurisdiction, the Mohegan Tribe or its members shall have the right to reinstate a claim to lands or interests in lands or natural resources to which the Tribe or members are entitled as a result of the invalidation, within a reasonable time, but not later than the later of—

(A) 180 days after the Mohegan Tribe receives written notice of such determination of an invalidation described in subsection (a); or

(B) if the determination of the invalidation is subject to an appeal, 180 days after the court of last resort enters a judgment.

(2) DEFENSES.—Notwithstanding any other provision of law, if a party to an action described in paragraph (1) reinstates the action during the period described in paragraph (1)(B)—

(A) no defense, such as laches, statute of limitations, law of the case, res judicata, or prior disposition may be asserted based on the withdrawal of the action and reinstatement of the action; and

(B) the substance of any discussions leading to the State Agreement may not be admissible in any subsequent litigation, except that, if any such action is reinstated, any defense that would have been available to the State of Connecticut at the time the action was withdrawn—

(i) may be asserted; and

(ii) is not waived by anything in the State Agreement or by subsequent events occurring between the withdrawal action and commencement of the reinstated action.

SEC. 10. JUDICIAL REVIEW.

(a) JURISDICTION.—Notwithstanding any other provision of law, during the period beginning on the date of enactment of this Act and ending on the date that is 180 days after such date, the United States District Court for the Southern District of Connecticut shall have exclusive jurisdiction over any action to contest the constitutionality of this Act or the validity of any agreement entered into under the authority of this Act or approved by this Act.

(b) DEADLINE FOR FILING.—Effective with the termination of the period specified in subsection (a), no court shall have jurisdiction over any action to contest the constitutionality of this Act or the validity of any agreement entered into under the authority of this Act or approved by this Act, unless such action was filed prior to the date of termination of the period specified in subsection (a).

AUTHORITY FOR FINANCE COMMITTEE TO REPORT

Mr. FORD. Mr. President, I ask unanimous consent that the Finance Committee have until 12 noon on November 22, 1994, to compile the committee reports on either S. 2467, the GATT implementation legislation, or its House companion, and that the Finance Committee have until 3 p.m. on November 22, 1994, to report either S. 2467 or the House companion.

The PRESIDING OFFICER, Without objection, it is so ordered.

ADDITIONAL CONFEREES—H.R. 4950

Mr. FORD. Mr. President, I ask unanimous consent that the conferees for H.R. 4950, the OPIC amendments, be modified to include Senators RIEGLE, SARBANES, and D'AMATO from the Committee on Banking, to be conferees solely for the matters contained in titles III and IV.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR TOMORROW

Mr. FORD. Mr. President, on behalf of the majority leader, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 9 a.m., Tuesday October 4; that following the prayer, the Journal of proceedings be deemed approved to date and the time for the two leaders reserved for their use later in the day; that immediately thereafter, the Senate proceed into executive session to consider the nomination of H. Lee Sarokin; and that on Tuesday, the Senate stand in recess from 12:30 p.m. to 2:15 p.m. in order to accommodate the respective party conferences,

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS UNTIL TOMORROW AT 9 A.M.

Mr. FORD. Mr. President, if there is no further business to come before the Senate today, I ask unanimous consent that the Senate stand in recess, as previously ordered.

There being no objection, the Senate, at 7:58 p.m., recessed until Tuesday, October 4, 1994, at 9 a.m.

NOMINATIONS

Executive nominations received by the Senate October 3, 1994:

ENVIRONMENTAL PROTECTION AGENCY

FREDERIC JAMES HANSEN, OF OREGON, TO BE DEPUTY ADMINISTRATOR OF THE ENVIRONMENTAL PROTECTION AGENCY, VICE ROBERT M. SUSSMAN, RESIGNED.

FEDERAL TRADE COMMISSION

CHRISTINE A. VARNEY, OF THE DISTRICT OF COLUMBIA, TO BE A FEDERAL TRADE COMMISSIONER FOR THE UNEXPIRED TERM OF 7 YEARS FROM SEPTEMBER 26, 1989, VICE DENNIS A. YAO, RESIGNED.

IN THE AIR FORCE

THE FOLLOWING AIR NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR PROMOTION IN THE RESERVE OF THE AIR FORCE UNDER THE PROVISIONS OF SECTIONS 593 AND 8379, TITLE 10 OF THE UNITED STATES CODE. PROMOTIONS MADE UNDER SECTION 8379 AND CONFIRMED BY THE SENATE UNDER SECTION 593 SHALL BEAR AN EFFECTIVE DATE ESTABLISHED IN ACCORDANCE WITH SECTION 8374, TITLE 10 OF THE UNITED STATE CODE. (EFFECTIVE DATE FOLLOWS SERIAL NUMBER.)

LINE OF THE AIR FORCE

To be lieutenant colonel

MAJ. FRANCES M. AUCLAIR, [redacted] 5/2/94
MAJ. WILLIAM L. BORDSON, [redacted] 5/17/94
MAJ. JAMES W. BRADSHAW, [redacted] 4/10/94
MAJ. GLENN P. HUTH, [redacted] 5/15/94
MAJ. JIMMY C. ROBERTS, [redacted] 5/13/94
MAJ. CHARLES J. SIMMONS, [redacted] 5/12/94
MAJ. JAMES R. WILSON, [redacted] 4/10/94

JUDGE ADVOCATE GENERALS DEPARTMENT

To be lieutenant colonel

MAJ. ROBERT B. BURNS, [redacted] 3/20/94

CHAPLAIN CORPS

To be lieutenant colonel

MAJ. RONALD L. BRACY, [redacted] 5/14/94
MAJ. DENNIS A. WILKINSON, [redacted] 5/14/94

BIOMEDICAL SERVICES CORPS

To be lieutenant colonel

MAJ. JEFFREY C. MINOR, [redacted] 5/15/94

MEDICAL CORPS

To be lieutenant colonel

MAJ. VINCENT P. DANG, [redacted] 5/26/94
MAJ. MARTIN E. SELLBERG, [redacted] 5/6/94

DENTAL CORPS

To be lieutenant colonel

MAJ. MICHAEL HAJATIAN, JR., [redacted] 4/16/94
MAJ. LESLIE KARNS, [redacted] 5/3/94

IN THE ARMY

THE FOLLOWING-NAMED OFFICER, ON THE ACTIVE DUTY LIST, FOR PROMOTION TO THE GRADE INDICATED IN THE U.S. ARMY IN ACCORDANCE WITH SECTIONS 624 AND 628, TITLE 10, UNITED STATES CODE.

To be lieutenant colonel

MICHAEL D. FURLONG, [redacted]

THE FOLLOWING–NAMED OFFICERS FOR PROMOTION IN THE RESERVE OF THE ARMY OF THE UNITED STATES, UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTIONS 593(A) AND 3370:

ARMY NURSE CORPS

To be colonel

KRISTINE CAMPBELL, [redacted]
CHRISTINE M. MAHON, [redacted]

DENTAL CORPS

To be colonel

CHRIS S. CARTWRIGHT, [redacted]
FRANK H. JONES, [redacted]
DICK D. LEWALLEN, [redacted]

MEDICAL CORPS

To be colonel

RALPH S. AMATO, [redacted]
JOHN C. BAILEY, [redacted]
BEN P. BINGCANG, [redacted]
LARRY R. BOEHME, [redacted]
JASPER L. BOOKER, [redacted]
EVA M. BUCH, [redacted]
BYRON P. CROKER, [redacted]
WILHELM G. DOOS, [redacted]
GERALD F. DREHER, [redacted]
CHARLES D. ESKRIDGE, [redacted]
RICHARD S. FIELD, [redacted]
JAMES K. FORTSON, [redacted]
CHARLES M. GLASIER, [redacted]
JAMES B. HANSARD, [redacted]
HOWARD T. HARCKE, [redacted]
JAMES A. HASBARGEN, [redacted]
CHARLES N. HEGGEN, [redacted]
JOHN G. JAEGER, [redacted]
CHARLES J. JOHNSON, [redacted]
YOUNG W. KAHN, [redacted]
DANNY P. KAUP, [redacted]
THOMAS N. KIAS, [redacted]
MICHAEL KILHAM, [redacted]
ARTHUR M. KUNATH, [redacted]
GEORGE S. LAKNER, [redacted]
ROGELIO F. LUCAS, [redacted]
RONALD C. MARTIN, [redacted]
RONALD A. MARTINO, [redacted]
JOHN T. MCCARTHY, [redacted]
JAMES S. MCHONE, [redacted]
HOWARD D. MELVIN, [redacted]
BROOKS A. MICK, [redacted]
ERIC I. MITCHELL, [redacted]
MARJORIE A. MOSIER, [redacted]
SIMON K. MYINT, [redacted]

WILLIAM C. NASH xxx-xx-x...
CHARLES E. PROBST xxx-xx-xx...
GREGORY L. QUICK xxx-xx-x...
RICHARD H. REED xxx-xx-x...
JAMES F. REYNOLDS xxx-xx-xx...
LYNNETT RINGENBERG xxx-xx-x...
RAMON M. RUBIO xxx-xx-x...
WILLIAM P. SCHERER xxx-xx-xx...
TIMOTHY J. SHAW xxx-xx-x...
RONALD K. STAIB xxx-xx-x...
RICHARDS J. THOMAS xxx-xx-xx...
DAVID G. VANSICKLE xxx-xx-x...
NANCY M. WELCH xxx-xx-x...
LEWIS WESTMORELAND xxx-xx-x...
THOMAS A. WOODWARD xxx-xx-x...

MEDICAL SERVICE CORPS

To be colonel

JAMES E. ADEE xxx-xx-xx...
KENNETH J. BACH xxx-xx-x...
ROGER A. BARENTINE xxx-xx-x...
JAMES J. BECKER xxx-xx-xx...
ANTHONY BENEDETTO xxx-xx-x...
KEVIN J. BISHOP xxx-xx-xx...
JACK T. CARPENTER xxx-xx-xx...
GUILLERMO CISNEROS xxx-xx-x...
GARY F. CLIFTON xxx-xx-x...
WILLIAM L. CONOLE xxx-xx-x...
FRANK R. COTTEN xxx-xx-x...
DAVID N. GANS xxx-xx-x...
MICHAEL J. GLYNN xxx-xx-x...
DANA H. GRAU xxx-xx-x...
RICHARD GUSTAFSON xxx-xx-x...
SAMUEL Y. HARRIS xxx-xx-x...
JAMES L. HESLOP xxx-xx-xx...
DENNIS F. KIMBERLIN xxx-xx-xx...
MICHAEL KINMARTIN xxx-xx-x...
THOMAS B. LEECOST xxx-xx-x...
ALVIN L. LIEVSAY xxx-xx-x...
WARREN R. LONGLEY xxx-xx-x...
MICHAEL F. LYONS xxx-xx-x...
ERVIN M. NORGREN xxx-xx-x...
JAMES G. PERLMUTTER xxx-xx-xx...
AARON A. SMITH xxx-xx-x...
JAMES R. VALENTINE xxx-xx-xx...
WILLIAM J. VOGT xxx-xx-x...

ARMY MEDICAL SPECIALIST CORPS

To be colonel

SUE E. CUNNINGHAM xxx-xx-x...

VETERINARY CORPS

To be colonel

SIDNEY E. MC DANIEL xxx-xx-x...

THE FOLLOWING–NAMED OFFICERS FOR PROMOTION IN THE RESERVE OF THE ARMY OF THE UNITED STATES, UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTIONS 593(A) AND 3366:

ARMY NURSE CORPS

To be lieutenant colonel

PETER M. ALLEN xxx-xx-xx...
SYLVIA ALVAREZ xxx-xx-x...
LINDA D. ANDERSON xxx-xx-x...
CATHERINE AUCKLAND xxx-xx-x...
KAREN E. AUVENSHINE xxx-xx-x...
PATRICIA M. BALLER xxx-xx-xx...
KATHLEEN BARNHART xxx-xx-x...
PATRICIA F. BELINC xxx-xx-xx...
BARBARA C. BERG xxx-xx-x...
CATHY M. BINDER xxx-xx-x...
RICHARD D. BOGGAN xxx-xx-x...
LESLIE D. BOONE xxx-xx-x...
NANCY BRANA xxx-xx-x...
SHARON K. BRESSLER xxx-xx-xx...
ANNA J. BREWSTER xxx-xx-xx...
KIM A. BRINN xxx-xx-x...
DAVID G. BROWN xxx-xx-x...
THOMAS J. BROWNE xxx-xx-x...
MARGARET A. BURKE xxx-xx-x...
MARY J. CAMPBELL xxx-xx-x...
STEPHANIE CARLETON xxx-xx-xx...
NANCY W. CAUSEY xxx-xx-x...
SUSAN CHESHIRE xxx-xx-x...
DAVID B. CHILES xxx-xx-x...
LISA D. CHINLUND xxx-xx-x...
KATIE I. CHISOLM xxx-xx-x...
DANIEL P. CLARK xxx-xx-x...
LYNN A. CLARK xxx-xx-x...
RONALD L. COCHRAN xxx-xx-x...
JAYNE H. COOLEY xxx-xx-x...
VELMA M. COOPER xxx-xx-x...
EILEEN M. CORRIGAN xxx-xx-x...
LARAINE F. CRANE xxx-xx-x...
DAVID CRUZ xxx-xx-x...
EDMUND A. CRUZ xxx-xx-x...
RICHARD D. CULBERT xxx-xx-x...
SALLY L. CULF xxx-xx-x...
EDWARD O. CYR xxx-xx-x...
MICHAEL G. DAVIS xxx-xx-x...
ETHELYN D. DAWSON xxx-xx-x...
GAIL M. DEASON xxx-xx-x...
CAROLYN A. DEVERELL xxx-xx-x...
MICHAEL DOMARACKI xxx-xx-x...
JANE G. DURR xxx-xx-x...
JOANNE ELDERMAN xxx-xx-x...
PAUL T. ELLIOTT xxx-xx-x...
FAYE A. ELLIS xxx-xx-x...
LINDA J. EPPELE xxx-xx-x...
CARROLL A. ERWIN xxx-xx-x...
LARRY E. EVERSON xxx-xx-x...
NEDLA J. EWEN xxx-xx-x...
BETTY FEATHERSTONE xxx-xx-x...
JEANNE S. FINDLAY xxx-xx-x...
ROBERT E. FISHER xxx-xx-x...
WILLIAM C. FLOYD xxx-xx-x...
SHIRLEY J. FONG xxx-xx-x...
BONNIE C. FRIED xxx-xx-x...
LORETTA J. GARCIA xxx-xx-x...
LANA L. GEIER xxx-xx-x...
JOSHEPH T. GIACCHI xxx-xx-x...
JOHN H. GILLENWATER xxx-xx-x...
CHARLOTTE GORMLEY xxx-xx-x...
MARCIA L. GRACE xxx-xx-x...
MARY C. GRECO xxx-xx-x...
RUSSELL J. GROGAN xxx-xx-x...
IRIS GUARDARRAMAS xxx-xx-x...
MICHAEL W. HAGLEY xxx-xx-x...
JUDY A. HARGER xxx-xx-x...
DAVID L. HARMS xxx-xx-x...
MARILYN A. HARTMAN xxx-xx-x...
HIDEYO HAYWORTH xxx-xx-x...
TEDDY M. HENDERSON xxx-xx-x...
CAROLE J. HICKMAN xxx-xx-x...
ELENA HILL xxx-xx-x...
AUDREY L. HINDS xxx-xx-x...
CHRISTINE A. HOWARD xxx-xx-x...
PATRICIA C. HOWELL xxx-xx-x...
JONATHAN T. HURWITZ xxx-xx-x...
KAREN L. INSCOE xxx-xx-x...
LUCILLE T. IRBY xxx-xx-x...
LINDA D. JACKSON xxx-xx-x...
JOSEPH J. JAHRLING xxx-xx-xxxx
ELLEN R. JOHNS xxx-xx-x...
LINDA K. JONES xxx-xx-x...
JUDITH A. JOY xxx-xx-x...
MARY V. KAOUGH xxx-xx-x...
JUDY L. KELOW xxx-xx-x...
RAYMOND A. KING xxx-xx-x...
SHEILA KOWALEWSKI xxx-xx-x...
EDWARD J. KUCINSKI xxx-xx-x...
JACQUELYN KUNES xxx-xx-x...
DONNA H. LA FANTASIE xxx-xx-x...
DON L. LEEPER xxx-xx-x...
VIRGINIA LEM xxx-xx-x...
WORTHEN E. LOVETT xxx-xx-x...
MICHAEL MANANSALA xxx-xx-x...
VERDELL MARSH xxx-xx-x...
JERRY D. MARTIN xxx-xx-x...
MARLENE R. MATTHEWS xxx-xx-x...
MARILYN O. MAUS xxx-xx-x...
MARY J. MINTER xxx-xx-x...

NICKY J. MOORMAN xxx-xx-x...
THOMAS C. MORGAN xxx-xx-x...
ADDIE M. MORRIS xxx-xx-x...
JAMES A. MULLEN xxx-xx-x...
EUGENE J. MURDOCK xxx-xx-x...
JEARLINE MURRAY xxx-xx-x...
FRANK M. NASH xxx-xx-x...
PEGGY L. NELSON xxx-xx-x...
KARI L. NEWMAN xxx-xx-x...
THOMAS B. NORCROSS xxx-xx-x...
MARLENE A. O CONNELL xxx-xx-x...
AGUSTINA OJEDA xxx-xx-x...
DARIA M. OLARTE xxx-xx-x...
SANDRA K. OLSON xxx-xx-x...
KYLE W. ORTEN xxx-xx-x...
MARY K. OSHEA xxx-xx-x...
BEVERLY L. PAGE xxx-xx-x...
TERESA G. PARKER xxx-xx-x...
ALFRED J. PAYNTER xxx-xx-x...
EDNA D. PIEHLER xxx-xx-x...
ROBERT A. PLASS xxx-xx-x...
SUSAN M. PONTIUS xxx-xx-x...
ALBERTO R. PORAZZI xxx-xx-x...
CATHLEEN M. PRICE xxx-xx-x...
MARGARET E. REYES xxx-xx-x...
LYNN M. RILEY xxx-xx-x...
ELLEN P. RINEHART xxx-xx-x...
SUSAN M. RIOJAS xxx-xx-x...
CAROL A. ROCHELEAU xxx-xx-x...
KENNETH M. RUDES xxx-xx-x...
JOHN K. RYAN xxx-xx-x...
WENGER N. RYAN xxx-xx-x...
CHRISTINE SAUTTER xxx-xx-x...
ALBERT F. SEALE xxx-xx-x...
DONNA F. SILVER xxx-xx-x...
ERIKA M. SINHA xxx-xx-x...
SHARON B. SKOLD xxx-xx-x...
DANIEL E. STAAB xxx-xx-x...
PHYLLIS K. STAFFORD xxx-xx-x...
OLIVIA J. STONE xxx-xx-x...
TODD M. STUMPF xxx-xx-x...
PATRICIA SWEETING xxx-xx-x...
ADELE M. SYBY xxx-xx-x...
CAROL L. TAFF xxx-xx-x...
J. TORRES FRATICELLI xxx-xx-x...
JOHN P. TUOHEY xxx-xx-x...
THERESE A. VIRGONA xxx-xx-x...
CORWYN R. VOKOUN xxx-xx-x...
JEAN T. WALKER xxx-xx-x...
BEVERLY J. WALLACE xxx-xx-x...
SUSAN L. WALSH xxx-xx-x...
SANDRA L. WEEKS xxx-xx-x...
CAROLYN D. WEST xxx-xx-x...
RITA A. WILLIAMS xxx-xx-x...
MARGARET C. WILMOTH xxx-xx-x...
JANET S. WYATT xxx-xx-x...
RUTH A. YERARDI xxx-xx-x...
DONALD R. YOUNG xxx-xx-x...
JAI YUDHISHTHU xxx-xx-x...
FRANKETTA ZALAZNIK xxx-xx-x...
ROSEMARY T. ZEMLO xxx-xx-x...
LLOYD R. ZERJAV xxx-xx-x...

DENTAL CORPS

To be lieutenant colonel

ALAMOCARRASQUILLO xxx-xx-x...
DAVID S. ALLEMAN xxx-xx-x...
GAILYA L. AXAM xxx-xx-x...
LIONEL BAKER xxx-xx-x...
ALJERNON J. BOLDEN xxx-xx-x...
EDWARD R. BOOTHROYD xxx-xx-x...
JOHN F. BOWLEY xxx-xx-x...
LAWRENCE S. BRANNON xxx-xx-x...
DARWIN R. BRENDEN xxx-xx-x...
JESSE A. BREWER xxx-xx-x...
ALKA V. COHEN xxx-xx-x...
CAROL I. DENNISON xxx-xx-x...
FRED DIORIO xxx-xx-x...
JOHN D. FRAZEE xxx-xx-x...
JAMES T. GIMBEL xxx-xx-x...
RICHARD M. GONDEK xxx-xx-x...
GARTH R. GRIFFITHS xxx-xx-x...
JAMES C. HOVE xxx-xx-x...
JOHN P. HOWARD xxx-xx-x...
LANNIS E. HUCKABEE xxx-xx-x...
SCOTT W. HUDELSON xxx-xx-x...
ARNOLD K. KAPLAN xxx-xx-x...
JOHNNIE L. KNIGHT xxx-xx-x...
NORBERT G. KOLLER xxx-xx-x...
MICHAEL G. LABOUBE xxx-xx-x...
PAUL B. LAVINE xxx-xx-x...
RONALD A. LEPIANKA xxx-xx-x...
BROCKTON A. LIVICK xxx-xx-x...
JONATHAN MAHAFFEY xxx-xx-x...
ROBERT A. MASON xxx-xx-x...
RUSSELL P. MAYER xxx-xx-x...
ROBERT F. MC ARDLE xxx-xx-x...
JAMES P. MC CARTHY xxx-xx-x...
BRUCE R. MEYER xxx-xx-x...
DAVID H. MILLIGAN xxx-xx-x...
JOHN D. MORGAN xxx-xx-x...
ELIZABETH S. MORRIS xxx-xx-x...
ROBERT L. MORROW xxx-xx-x...
GATES W. PARKER xxx-xx-x...
SIDNEY H. PENKA xxx-xx-x...
LANCE C. RAMP xxx-xx-x...
DONALD W. ROBERTS xxx-xx-x...
JAMES R. ROBERTS xxx-xx-x...
RICKY J. RODGERS xxx-xx-x...
ROBERT E. SCHELL xxx-xx-x...
DALE S. SHARPLES xxx-xx-x...
JAMES P. SIKORSKI xxx-xx-x...
PAUL D. SILVER xxx-xx-x...
JOHN A. SMITH xxx-xx-x...
JOE W. SNAVELY xxx-xx-x...
GREGORY R. SOPEL xxx-xx-x...
MICHAEL S. THOMAS xxx-xx-x...
JOHN J. VONARB xxx-xx-x...
IRIS J. WATKINS xxx-xx-x...
STEPHEN R. WENDT xxx-xx-x...
DAVID J. WHITNEY xxx-xx-x...
DANIEL S. WILLIAMS xxx-xx-x...
RICHARD B. YOUNG xxx-xx-x...

MEDICAL CORPS

To be lieutenant colonel

JAMES A. ATKISON xxx-xx-x...
JOHNNIE AYERS xxx-xx-x...
BEDFORD F. BOYLSTON xxx-xx-x...
JOHN D. BROOKE xxx-xx-x...
WILLIAM E. BUCHANAN xxx-xx-x...
JOHN R. BUCHOLTZ xxx-xx-x...
RUFUS H. CAIN xxx-xx-x...
JAIME T. CALAGUAS xxx-xx-x...
ROGELIO L. CARRERA xxx-xx-x...
PATRICK CAULFIELD xxx-xx-x...
YOUNG H. CHOI xxx-xx-x...
GEORGE L. CHOLAK xxx-xx-x...
WILLIAM E. CLYMER xxx-xx-x...
AMRAM J. COHEN xxx-xx-x...
JOSE COLLADOMARCIAL xxx-xx-x...
ESTEL COOKESAMPSON xxx-xx-x...
BRIAN W. COOPER xxx-xx-x...
VIRAF R. COOPER xxx-xx-x...
CHRISTOPHER COWAN xxx-xx-x...
BERNADETTE D'SOUZA xxx-xx-x...
ARTHUR B. DALTON xxx-xx-x...
JOSE C. DANCEL xxx-xx-x...
RODNEY DAVIS xxx-xx-x...
LARRY S. DEUTSCH xxx-xx-x...
JAMES A. DIRENNA xxx-xx-x...
LENO EVANSGONZALEZ xxx-xx-x...
BENJAMIN S. FAIL xxx-xx-x...
JACK F. FENNEL xxx-xx-x...
RALPH P. FERENCHAK xxx-xx-x...
NANCY W. FINNERTY xxx-xx-x...
GARY E. FORD xxx-xx-x...
JOHN G. FOZARD xxx-xx-x...
BRUCE D. FRIED xxx-xx-x...
MICHAEL L. FRIEDMAN xxx-xx-x...
ROBERT S. FRIEDMAN xxx-xx-x...
CHARLES GARBARINO xxx-xx-x...
PAUL E. GAUSE xxx-xx-x...
VANITA GILBERTSON xxx-xx-x...
JOHN L. GILILLAND xxx-xx-x...
NEAL M. GOLDBERGER xxx-xx-x...
WILLIAM T. GRANGER xxx-xx-x...

VYBERT P. GREENE xxx-xx-xx...
CAROLA M. GUERRA xxx-xx-x...
JOSEPH GUILEYARDO xxx-xx-xx...
ANDRE F. HENRY xxx-xx-x...
WAVELL C. HODGE xxx-xx-x...
MARK A. HOFFMAN xxx-xx-x...
WILLIAM ICENHOWER xxx-xx-x...
TIMOTHY J. JUDGE xxx-xx-xx...
MITCHELL L. KAPHAN xxx-xx-x...
KEVIN J. KELLY xxx-xx-xx...
VICTOR Y. KIM xxx-xx-x...
BENJAMIN J. KULPER xxx-xx-xx...
CARL G. LAUER xxx-xx-x...
ELIZABETH P. LEE xxx-xx-xx...
WILLIAM E. LEROY xxx-xx-x...
DONALD H. LOEBL xxx-xx-x...
RICHARD A. LUTZ xxx-xx-x...
DAVID M. MACCINI xxx-xx-x...
MICHAEL I. MAGGIO xxx-xx-x...
WALTER J. MAGUIRE xxx-xx-xx...
CRAIG R. MARTIN xxx-xx-x...
KENNETH L. MARTIN xxx-xx-x...
CLAUDIA MC ALLASTER xxx-xx-x...
ELLEN L. MC CORMICK xxx-xx-x...
LARRY G. MOBLY xxx-xx-x...
ELISABETH MONTAGUE xxx-xx-x...
BARBARA J. MURPHY xxx-xx-x...
GORDON W. NG xxx-xx-x...
WILLIAM J. NICHOLAS xxx-xx-x...
KENT A. NICKELL xxx-xx-x...
RON D. NUTTING xxx-xx-x...
JOHN C. OTTENBACHER xxx-xx-x...
KEARY P. OVERTON xxx-xx-x...
WESLEY E. PARKHURST xxx-xx-xx...
CLYDE W. PARSONS xxx-xx-x...
PAUL M. PAUSTIAN xxx-xx-x...
JAMES J. PERRY xxx-xx-xx...
ANDREW C. PETERSON xxx-xx-x...
DAVID P. PETROS xxx-xx-xx...
ROSALIND K. PIERCE xxx-xx-xx...
DENNIS E. PLATT xxx-xx-xx...
JAMES J. PRESLEY xxx-xx-xxxx
MICHAEL R. PRIDDY xxx-xx-x...
DENNIS E. REILLY xxx-xx-xx...
RANDY C. RICHTER xxx-xx-x...
JAMES D. ROGERS xxx-xx-xx...
TIMOTHY R. ROY xxx-xx-x...
JOHN D. ROZICH xxx-xx-x...
WIL SANTIAGO BUTLER xxx-xx-x...
JOSEPH A. SARNELLE xxx-xx-xx...
CHANDAN SHARMA xxx-xx-x...
STEPHEN K. SIEGRIST xxx-xx-xx...
LILLIAM SIERRA xxx-xx-xx...
ROGER J. SIMPSON xxx-xx-xx...
DAVID C. SLAGLE xxx-xx-x...
DICK D. SLATER xxx-xx-x...
PETER J. SPEICHER xxx-xx-xx...
THOMAS M. STEIN xxx-xx-x...
JONATHAN G. STOCK xxx-xx-x...
HERBERT A. STONE xxx-xx-x...
DAVID W. TOWLE xxx-xx-x...
JAMES R. UHL xxx-xx-xx...
CARLOS R. VILLALTA xxx-xx-x...
LUIS L. VILLARRUEL xxx-xx-xx...
JAMES G. WALL xxx-xx-x...
JAMES D. WELLS xxx-xx-xx...
ROBERT B. WHITMORE xxx-xx-x...
ROBERT E. WILKINS xxx-xx-x...
EDWARD WILLIAMS, JR. xxx-xx-x...
CYNTHIA WOODSONMAYO xxx-xx-x...
DANE K. WUKICH xxx-xx-x...
JAMES M. YEASH xxx-xx-x...
JACK W. ZIMMERLY xxx-xx-x...

MEDICAL SERVICE CORPS

To be lieutenant colonel

MICHAEL R. ALESCH xxx-xx-x...
GARY L. ALLEN xxx-xx-x...
MARY E. ANCKER xxx-xx-x...
JOHN S. BASINGER xxx-xx-xx...
EVERETTE T. BEERS xxx-xx-xx...
GORDON BENNETT, JR. xxx-xx-x...
JOEL J. BERTRAND xxx-xx-xx...
WILLIAM L. BIGSBY xxx-xx-x...
MICHAEL S. BILLS xxx-xx-xx...
LEWIS R. BOOBAR xxx-xx-x...
JAMES L. BRAXMEIER xxx-xx-xx...
ADAM T. BROGOWSKI xxx-xx-x...
KAREN M. BROOKS xxx-xx-x...
JAMES F. BROWER xxx-xx-xx...
GORDON E. BROWN xxx-xx-x...
WILLIAM S. BROWNELL xxx-xx-x...
GARY M. BRYANT xxx-xx-x...
ANN M. CAMPBELL xxx-xx-x...
ALFRED CARLOMAGNO xxx-xx-x...
DONALD L. CARTER xxx-xx-x...
ANDREW K. CHUNG xxx-xx-x...
JOHN L. CLARK xxx-xx-x...
TERRENCE T. CLARK xxx-xx-xx...
WILLIAM D. CLAUD xxx-xx-x...
RONALD E. COLEMAN xxx-xx-x...
LARRY E. COMIN xxx-xx-x...
DEBRA A. COOK xxx-xx-x...
DAVID N. COWAN xxx-xx-x...
WILLIAM COX xxx-xx-x...
DONALD E. CRAVENS xxx-xx-x...
RONNIE W. CROMER xxx-xx-x...
BLAINE E. CRUMP xxx-xx-x...
WILLIAM F. DALTON xxx-xx-x...
RICHARD L. DAVIS xxx-xx-x...
MARIET DAWSONWHITE xxx-xx-x...
MOSES DEESE xxx-xx-x...
DEBORAH P. DONOHUE xxx-xx-x...
EDWIN C. DUDLEY xxx-xx-x...
WILLIAM D. DUDLEY xxx-xx-x...
DANIEL J. DUNN xxx-xx-x...
MARLIN J. EBERT xxx-xx-xx...
CHRISTOPHER ELHARDT xxx-xx-xx...
FRANK P. ENG xxx-xx-x...
HENRY E. ERICKSON xxx-xx-x...
JAMES L. FAVRET xxx-xx-xx...
DAVID A. FEIL xxx-xx-xx...
CHARLES F. FERRIS xxx-xx-xx...
MARK J. FRATONI xxx-xx-xx...
WILLIE L. FRAZIER xxx-xx-xx...
ROBERT R. FREEMAN xxx-xx-xx...
ANTHONY D. GADDIS xxx-xx-x...
LLOYD W. GADDIS xxx-xx-x...
ROBERT GARBER xxx-xx-x...
JOHN M. GARTLAND xxx-xx-x...
BERNARD W. GEORGE xxx-xx-x...
JESSE O. GIDDENS xxx-xx-xx...
RICHARD V. GRAHAM xxx-xx-x...
DONALD L. GRINNELL xxx-xx-x...
ROBERT G. GROSS xxx-xx-x...
J.M. HAMILTON xxx-xx-x...
JAY C. HANS xxx-xx-x...
RALPH E. HARBACH xxx-xx-x...
WILLIAM J. HARDY xxx-xx-x...
ROBERT C. HEIMMEL xxx-xx-x...
ROBERT G. HOLMES xxx-xx-x...
RODNEY R. HUEBNER xxx-xx-x...
JOHN L. HUTCHISON xxx-xx-x...
STANLEY J. ILLICH xxx-xx-xx...
JAMES W. JABARA xxx-xx-xx...
CHRISTEN JANKOWSKI xxx-xx-x...
BRUCE L. JENTZ xxx-xx-xx...
JOHN JEZIORSKI xxx-xx-xx...
DALE A. JOHNSON xxx-xx-x...
HEYWARD L. JOHNSON xxx-xx-x...
JAY E. JOHNSON xxx-xx-xx...
JOHN D. JOHNSON xxx-xx-x...
WILLIAM F. JOHNSTON xxx-xx-xx...
CHRISTINE F. JONES xxx-xx-xx...
TIMOTHY J. JORDAN xxx-xx-xx...
LOUIS J. KATZ xxx-xx-xx...
LYNN W. KAUFMAN xxx-xx-x...
RICHARD A. KAUFMAN xxx-xx-x...
GREGORY J. KIRMEYER xxx-xx-xx...
LOIS J. KNAFLER xxx-xx-xx...
MICHAEL D. KOPLIN xxx-xx-x...
DAVID A. KUHLMANN xxx-xx-x...
LINDA L. LADO xxx-xx-x...
RICHARD B. LAKES xxx-xx-x...
BRYAN LARSEN xxx-xx-x...
HAROLD E. LAUBACH xxx-xx-x...
KENNETH M. LEE xxx-xx-x...
RONALD R. LINDQUIST xxx-xx-x...
GAIL E. LOCKHART xxx-xx-x...
DANIEL E. LONNQUIST xxx-xx-x...
GUY E. LUND xxx-xx-x...
JAMES F. LUNDY xxx-xx-xx...
WILLIAM H. LYERLY xxx-xx-x...
MICHAEL P. MALONE xxx-xx-x...
JOSEPH F. MARANTO xxx-xx-xx...
KATHLEEN S. MAYERS xxx-xx-xx...
EDGAR A. MCAVOY xxx-xx-x...
BRENT A. MCKELL xxx-xx-x...
KENNETH D. MCRAE xxx-xx-x...
JERRY W. MELCHER xxx-xx-x...
MARLEY A. MENCER xxx-xx-x...
GERALD A. MERRILL xxx-xx-x...
WILLIAMS R. MIMS xxx-xx-x...
MARTIN P. MOSKOWITZ xxx-xx-x...
STEPHEN R. MUZA xxx-xx-x...
BRUCE J. NATHANSON xxx-xx-x...
DAVID R. NEWKIRK xxx-xx-x...
PATRICK F. ODONNELL xxx-xx-x...
MICHAEL J. OLDHAM xxx-xx-x...
STEVEN G. OLSON xxx-xx-x...
LORIN B. PARK xxx-xx-x...
STEVEN C. PARKISON xxx-xx-x...
EDGAR A. PARROTT xxx-xx-x...
THOMAS F. PEACOCK xxx-xx-x...
JAIME PENASANCHEZ xxx-xx-xx...
BERT M. PETERSON xxx-xx-xx...
GARY R. PETERSON xxx-xx-xx...
LARRY D. PIERSON xxx-xx-xx...
STEVEN G. PINARD xxx-xx-xx...
CHURCHILL B. PITTS xxx-xx-xxxx
SYLVIA T. QUEZADA xxx-xx-x...
JOEL A. RABB xxx-xx-x...
LAUREEN M. RAMIREZ xxx-xx-x...
JULIAN E. RITTER xxx-xx-xx...
LUIS RIVERALLERAS xxx-xx-xx...
RICHARD A. ROPER, JR. xxx-xx-xx...
HARRY G. RUBIN xxx-xx-x...
JOHN A. RUCKER xxx-xx-x...
PAUL A. SAIA xxx-xx-x...
MICHAEL W. SALMONS xxx-xx-x...
ROBERT B. SAPAUGH xxx-xx-x...
MURTY SAVITALA xxx-xx-x...
ELMAR T. SCHMEISSER xxx-xx-xx...
ALLEN C. SCHMIDT xxx-xx-x...
KEITH H. SCHWENK xxx-xx-x...
DAVID W. SEATON xxx-xx-x...
HAROLD J. SEILING xxx-xx-xx...
LAWRENCE C. SELLIN xxx-xx-x...
DOUGLAS L. SHAMES xxx-xx-x...
RUSSELL F. SHEARER xxx-xx-xx...
JAMES E. SHEPHERD xxx-xx-xx...
WILLIAM L. SIZEMORE xxx-xx-xx...
HOLLY B. SMITH xxx-xx-x...
STUART W. SMYTHE xxx-xx-x...
FREDERICK STALLONE xxx-xx-xx...
PAUL M. STICKEL xxx-xx-xx...
JAMES L. STINGLEY xxx-xx-xx...
CHARLES E. STUTTS xxx-xx-xx...
LAWRENCE SUDDENDORF xxx-xx-x...
ROBERT F. SWEENEY xxx-xx-xx...
TERRY L. SWISHER xxx-xx-xx...
JOHN W. TIERNEY xxx-xx-x...
PHILLIP TOLBERT xxx-xx-xx...
MICHAEL M. TONER xxx-xx-x...
MARK S. VAJCOVEC xxx-xx-x...
JOHN A. VIERCINSKI xxx-xx-x...
RICHARD A. VOLTZKE xxx-xx-x...
JOHN D. WALDROP xxx-xx-x...
JAMES P. WALKER xxx-xx-xx...
TIMOTHY J. WALKER xxx-xx-xx...
MICHAEL W. WALTON xxx-xx-x...
LAURA L. WARD xxx-xx-x...
SHARON S. WEESE xxx-xx-x...
GORDON P. WESLEY xxx-xx-x...
ROBERT L. WHETSTONE xxx-xx-xx...
JAMES R. WILSON xxx-xx-xx...
JOHN R. WOODALL xxx-xx-x...
PATRICIA M. YOUNG xxx-xx-x...

ARMY MEDICAL SPECIALIST CORPS

To be lieutenant colonel

DENISE P. AVERY xxx-xx-xx...
PRISCILLI BECKWITH xxx-xx-xx...
STEVEN C. BLACK xxx-xx-x...
KATHLEEN W. BROWN xxx-xx-x...
NANCY S. CAMPBELL xxx-xx-x...
CATHERINE DIGILIO xxx-xx-x...
SUSAN E. GUILMAIN xxx-xx-x...
CHERYL A. HOWARD xxx-xx-x...
ALBERT R. JACOBS xxx-xx-xx...
MARGARET C. JOHNSON xxx-xx-x...
LUVERNE M. MC DONALD xxx-xx-x...
PAULA J. RAEVSKY xxx-xx-xx...
ELIZABETH A. RAMOS xxx-xx-x...
ANGELA M. REYNOLDS xxx-xx-x...
HELEN A. SANDAGER xxx-xx-x...
THOMAS O. SMITH xxx-xx-xx...
KATHLEEN YASUMURA xxx-xx-x...
JOHN P. ZELENKA xxx-xx-xx...

VETERINARY CORPS

To be lieutenant colonel

JAMES R. ANDREASEN xxx-xx-xx...
ALVIN L. BAUMWART xxx-xx-x...
LELAND DOCHTERMAN xxx-xx-x...
JOHN A. DWYER xxx-xx-x...
HUGH E. HODGES xxx-xx-x...
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THE FOLLOWING NAMED OFFICERS FOR PROMOTION IN THE UNITED STATES AIR FORCE, UNDER THE APPROPRIATE PROVISIONS OF SECTION 624, TITLE 10, UNITED STATES CODE, AS AMENDED, WITH DATES OF RANK TO BE DETERMINED BY THE SECRETARY OF THE AIR FORCE.

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ZUBER, RICHARD xxx-xx-x...

THE FOLLOWING-NAMED OFFICERS FOR PROMOTION IN THE U.S. AIR FORCE, UNDER THE APPROPRIATE PROVISIONS OF SECTION 624, TITLE 10, UNITED STATES CODE, AS AMENDED, WITH DATES OF RANK TO BE DETERMINED BY THE SECRETARY OF THE AIR FORCE, AND THE OFFICER IDENTIFIED BY AN ASTERISK FOR APPOINTMENT IN THE REGULAR AIR FORCE UNDER THE PROVISIONS OF SECTION 531, TITLE 10, UNITED STATES CODE, WITH A VIEW TO DESIGNATION UNDER THE PROVISIONS OF SECTION 8067, TITLE 10, UNITED STATES CODE, TO PERFORM DUTIES INDICATED PROVIDED THAT IN NO CASE SHALL THE OFFICER BE APPOINTED IN A GRADE HIGHER THAN INDICATED.

CHAPLAIN CROPS

To be colonel

BERNSTEIN, JOHN I. xxx-xx-xx...
CHAVIANO, EMILIO A. xxx-xx-x...
GLATTS, JOSEPH M. xxx-xx-xx...
GRIFFIN, HARRY E. xxx-xx-xx...
HARRIS, HOWARD E. xxx-xx-x...
RICHARDSON, CECIL R. xxx-xx-x...
ROBERTS, ALEXANDER B. xxx-xx-xx...
SCHUELLER, LAVERNE L. xxx-xx-xx...
SUPA, JOSEPH xxx-xx-xx...
SWANSON, LORNE E. xxx-xx-x...
ZOSHAK, WILLIAM H. xxx-xx-x...

JUDGE ADVOCATE

To be colonel

DAUGHERTY, KEVIN L. xxx-xx-x...
DONNELLY, STEPHEN C. xxx-xx-xx...
DONOVAN, VICTOR R. xxx-xx-x...
EHRHART, DAVID G. xxx-xx-x...
ESPOSITO, FRANCIS H., JR. xxx-xx-xx...
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SCHROER, KENNETH W. xxx-xx-x...
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NURSE CORPS

To be colonel

BJERKE, NANCY B. xxx-xx-x...
CARDINALI, MANY A.E. xxx-xx-x...
DUFFANY, LYNN E. xxx-xx-xx...
EGAN, CONSTANCE M. xxx-xx-x...
KELLEY, JAMES W., JR. xxx-xx-xx...

MADSEN, JULIA W. [redacted]
SHEPARD, SUSAN J. [redacted]
SWANEGAN, ALBERT M., II [redacted]
VALENTINE, JANE L. [redacted]
WIGGIN, SANDRA D. [redacted]
WILLIAMS, CALVIN W. [redacted]
YAWN, JULIA K. [redacted]

MEDICAL SERVICE CORPS

To be colonel

BANNICK, RICHARD R. [redacted]
COOPER, JEFFREY W. [redacted]
DAVIES, DONALD T. [redacted]
GREENBERG, HERMAN R. [redacted]
HARPER, MARTIN L. [redacted]
KENNEDY, JOHN W. [redacted]
KLEEFISCH, WILLIAM B. [redacted]
LEE, JOHN A. [redacted]
LUBY, JEROME P. [redacted]
MADDOX, RICHARD D. [redacted]
ONGSTED, LANE A. [redacted]
PRIBYL, STEPHEN J. [redacted]
TAYLOR, WORTH R. [redacted]

BIOMEDICAL SCIENCES CORPS

To be colonel

BERGER, JAMES J. [redacted]
COSTA, KENNETH A. [redacted]
DRAWBAUGH, RICHARD B. [redacted]
FERGUSON, ROBERT A. [redacted]
FINK, PATRICK T. [redacted]
HOBBS, PATRICIA A. [redacted]
LUBOZYNSKI, FRANK T. [redacted]
MAGNUSSON, KENT E. [redacted]
MOE, KARL O. [redacted]
NEW, GEORGE R. [redacted]
OLSEN, FRED W., JR. [redacted]
ROBILLARD, THOMAS A. [redacted]
RUSSELL, SHERRELL L. [redacted]
SMITHERMAN, RICHARD E. [redacted]
SWINDLING, WILLIAM S. [redacted]
WARD, MICHAEL J. [redacted]